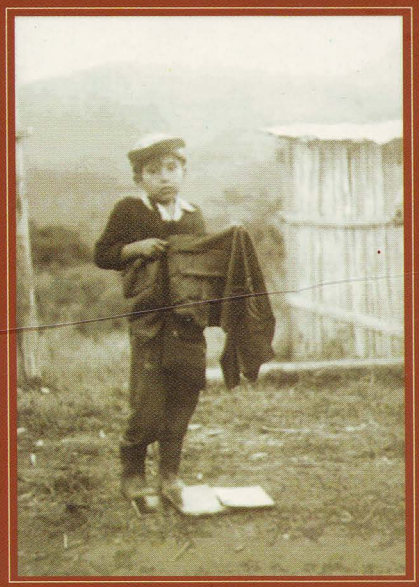
FROM SOUTH TO SOUTH:
REFLECTIONS ON VIOLENCE AND PEACE



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INTRODUCTION

During the last ten years there have been considerable efforts to look at comparative analysis of the different peace processes and the internal armed conflicts in Latin America. The effects of violence have been devastating as it has corroded every cornerstone for a possible implementation of nation-building processes based on democratic values; furthermore, the proliferation of small weapons continues to be alarming in several countries. To be in possession of a gun or knife has become a symbol of power and the reaffirmation of a "culture of violence".

To these valuable efforts we must add the number of studies about the social and economic effects of globalization on the lives of men and women in developing countries which have shown that the gap between the rich and the poor has worsened.

However the complexity of the different scenarios, new approaches and peace building initiatives are emerging in Latin America; new concepts such as "inclusion of new citizenships" and "security" are being re-defined as crucial to societies that experience high levels of violence. Projects in Colombia, for example, are based on the idea that promoting the participation of civil society at all levels has to be sustained with common shared values of co-habitation and absence of corruption in order to be able to give "the best of our skills".

Fragmentation of the civil society, militarization and its effects in the lives of women and children are common problems not only in Latin America but also in Sri Lanka. There is a need for a fresh approach to the situation in the island as well as to explore other experiences of long term conflicts within a South-South perspective.

This publication attempts to collect some materials elaborated in Latin America particularly Peru and Colombia, in order to disseminate them among researchers and students, Government Officials and NGOs, in order to generate discussion and new approaches regarding the present situation in Sri Lanka.

I am grateful to the Solomon Asch Center of the University of Pennsylvania for their financial assistance to this initiative and to CLADEM- The Latin American and Caribbean Committee for the Defense of Women's Rights which facilitated a number of articles on issues such as human security and gender.

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Rossana Favero –Karunaratna

Colombo, August 2006.

PERU: THE TRUTH AND RECONCILIATION COMMISSION – A FIRST STEP TOWARDS A COUNTRY WITHOUT INJUSTICE

Amnesty International

I. Introduction

During the two decades of internal armed conflict between the Peruvian State and the armed opposition groups, *Partido Comunista del Perú (Sendero Luminoso)*, Communist Party of Peru (Shining Path), and *Movimiento Revolucionario Túpac Amaru (MRTA)*, Tupac Amaru Revolutionary Movement,(1) Amnesty International documented widespread systematic violations of the fundamental rights of large sections of the population. These included forced disappearances, extrajudicial executions, violations of due process and acts of torture and ill-treatment perpetrated by State officials and numerous serious abuses, such as killings and other physical attacks on individuals, committed by Shining Path and, to a lesser extent, the MRTA.

In the opinion of the organization, as a result of the human rights crisis and disruption of the rule of law engendered by these twenty years of violence, satisfactory solutions need to be found, in accordance with Peru's international obligations, to fundamental problems such as the impunity that enshrouds the human rights violations committed during that period, the absence of an independent and impartial judiciary that can ensure full respect for fundamental rights and the need to provide reparations for the victims of human rights violations and their relatives.

Against this background, Amnesty International welcomed the setting up of the *Comisión de la Verdad y Reconciliación*

(CVR) del Perú, Truth and Reconciliation Commission of Peru, seeing it as an important step on the road to fully satisfying the rights of the victims and their families to know the truth about what happened during the two decades of internal armed conflict, to have access to justice so that those responsible can be tried and punished and to receive appropriate reparation. The organization believes truth and justice to be essential so that the open wounds left in the Peruvian social fabric by the years of violence can be closed and a new chapter in the history of the country, in which the whole of Peruvian society can find true reconciliation, can open. The CVR, which has been harshly criticized in some quarters and subjected to serious attempts to disrupt its operation and stop progress being made in clarifying the truth about what happened during the years of conflict, has therefore received Amnesty International's support in the delicate and complex task entrusted to it.(2)

This report brings together the main conclusions and recommendations contained in the CVR's *Final Report* which was published in August 2003. Amnesty International believes that it is essential for the CVR recommendations to be implemented if Peru is to be able to heal the wounds left by the 20 years of internal armed conflict and look towards the future. The CVR concluded that most of the victims of human rights abuses and violations during that period belonged to the least protected and most vulnerable groups within society, namely, indigenous peoples, peasants, Quechua speakers and people living in poverty who were illiterate or had little formal education. The organization has therefore drawn up a series of recommendations with regard to gender, economic, social and cultural rights and racial and ethnic discrimination, the purpose of which is to help create a country where equality of opportunity can become a reality for all and persistent social, racial and gender discrimination can be brought to an end.

In the context of Peru, this discrimination was one of the reasons why, for years, in the circles in which economic and political power is concentrated, the suffering that thousands of

people from the most marginalized groups were having to endure as a consequence of the internal armed conflict was not given the importance or recognition it deserved.

II. The work of the Truth and Reconciliation Commission

The CVR was set up in 2001(3) with a mandate to establish the circumstances surrounding the human rights abuses and violations committed between May 1980 and November 2000 (4) by Shining Path and the MRTA as well as by the Peruvian State. Among other things, it was also asked to determine the whereabouts, identity and circumstances of the victims of the internal conflict and, as far as possible, who was responsible for the abuses and violations as well as to analyze the conditions and political, social and cultural context which contributed to the violence, develop proposals with regard to the provision of reparations to the victims and put forward measures and reforms to be taken with a view to ensuring that such events could never happen again.

Consisting of twelve commissioners and one observer,(5) the CVR made it a priority from the outset to gather the views of the victims who until that time had not only had to endure the effects of the violence and the denial of their fundamental rights but had also had their grief and suffering disregarded for so many years. Over 800 people working for the CVR therefore travelled round the 24 departments which make up Peru in search of firsthand testimonies. Almost 17,000 testimonies were received by the central office in Lima and the four regional offices in the departments of Huancayo, Ayacucho, Huánuco and Sicuani.(6) In 70% of the total number of cases, it was possible to reconstruct and corroborate the facts, resulting in the documentation of over 11,500 cases of serious human rights violations.(7)

The CVR also held public hearings, in which the victims or their family members were able to testify to the Commissioners and members of the public who were present, as well as hearings on particular issues such as "anti-terrorist" legislation, displaced persons, universities, women and the teaching profession. The

hearings were held during 2002 in the cities of Huanta, Huamanga, Huancayo, Huancavelica, Lima, Tingo María, Abancay, Trujillo, Chumbivilcas, Cusco, Cajatambo, Pucallpa, Taratopo, Huánuco and Chungui. As a result of holding such hearings, something which had not previously been done by any truth commission in the Americas, over 400 testimonies relating to over 300 different cases of gross human rights violations were collected.(8)

The public hearings and the coverage of them in the media helped not only to make large sections of the population aware of the scale of the human rights violations and abuses committed during the conflict but also to give the survivors back their dignity by giving them the opportunity to be heard, very often for the first time.

The CVR also held interviews with some of the main actors in the internal armed conflict, namely, members of the different political parties, military personnel and members of the armed opposition groups. Former President Alberto Fujimori Fujimori, his presidential adviser on intelligence matters, Vladimiro Montesinos, and some members of the "death squad" known as *Grupo Colina*, Colina Group, which operated during the government of President Fujimori reportedly declined the invitation to collaborate.

During its sixteen months of groundwork, the CVR also identified over 4,600 burial sites throughout the country and was able to carry out inspections at over 2,200 of them(9) as well as three exhumations in the towns of Chusqui, Lucamarca and Totos in the department of Ayacucho.(10)

On the basis of these testimonies and interviews and the analysis of information contained in both official documents and public materials, the CVR produced its *Final Report*, consisting of nine volumes plus appendices, into which the findings of its two years of work had been condensed, together with its conclusions and recommendations.(11) The *Final Report* was officially presented on 28 August 2003 to the representatives of

the three branches of government: the President of the Republic, Alejandro Toledo Manrique, the President of Congress, Henry Pease García, and the President of the Supreme Court, Hugo Sivina Hurtado, as well as to the Ombudsman, Walter Albán Peralta. The next day the report was presented to Peruvian society as a whole in a ceremony held in Ayacucho where the internal armed conflict had begun and from where most of the victims came.

III. The conclusions of the Truth and Reconciliation Commission

The CVR concluded that during the two decades of internal armed conflict thousands of serious abuses of fundamental rights had been committed by armed opposition groups, mainly Shining Path and, to a lesser extent, the MRTA, and that gross violations of human rights, which, at certain times and in certain places, were systematic and widespread and amounted to crimes against humanity, had been committed by State officials, especially the Armed Forces.

According to the analysis carried out by the CVR, the violence perpetrated by the armed opposition groups and State officials was focused on the most defenceless sections of the Peruvian population, namely, people living in indigenous or peasant communities, mainly Quechua-speaking, who had few economic resources and were educated to levels lower than the national average. The CVR took the view that the chronic racial, social and gender discrimination that exists in Peru contributed to the fact that the suffering of these thousands of Peruvian men and women went unacknowledged for years by the groups within society that hold economic and political power.

1. The extent of the internal armed conflict

The CVR concluded that the internal armed conflict that Peru underwent between 1980 and 2000 constituted "the most intense, extensive and prolonged episode of violence in the entire history of the Republic".(12) According to the conclusions, the

conflict covered a larger proportion of national territory than any other violent period in the country's history. The CVR received reports of killings and "disappearances" from all departments except Moquegua and Madre de Dios and only in Tacna (1) and Tumbes (4) was the number of reported victims in single figures.(13)

The CVR study also indicates that the number of people who died or "disappeared" during the internal armed conflict surpasses the number of lives lost in Peru in all the foreign or civil wars that have occurred in the almost two centuries since it gained independence. 23,969 cases of people who died or "disappeared" during the internal conflict were reported to the CVR.(14) In addition, thousands of other cases of gross violations and abuses of human rights were documented by the CVR, including torture and cruel, inhuman or degrading treatment, sexual violence against women, violations of due process, kidnapping and hostage-taking, violations of the human rights of children and violations of the fundamental rights of indigenous peoples.

The CVR also concluded that, as a consequence of the internal armed conflict, approximately half a million Peruvian men and women, mainly from the poorest departments and those most affected by the violence, namely, Ayacucho, Apurímac, Huancavelica, Junín, Huanuco, Ancash, Pasco, Cusco and Puno, were forcibly displaced both by State officials and armed opposition groups, 80% of them between 1983 and 1993. Many of those concerned had to seek refuge in Lima where they had no option but to live in the poorest areas, thereby only exacerbating their general level of poverty.(15)

According to the CVR, the extent of the violations and abuses committed during the internal conflict "demonstrated serious limitations of the [Peruvian] State in its capacity to guarantee public order and security, as well as the fundamental rights of its citizens".(16)

2. Responsibility for human rights abuses and violations

2.1 The armed opposition groups

The CVR concluded that Shining Path "was the main perpetrator of crimes and human rights violations",(17) saying that it was responsible for almost 54% of the total number of deaths and cases of people whose whereabouts remains unknown.(18)

The CVR found evidence indicating that, of all the fatalities reported, over 11,000 were of people, mainly civilians, who died at the hands of Shining Path members who, as part of their strategy, killed them when they were unarmed, defenceless or after they had surrendered. The CVR also attributes over 1,500 cases of people whose present whereabouts are unknown to Shining Path, thereby bringing the total number of fatalities attributed to the group to over 12,500. It received reports of killings carried out by Shining Path in 20 departments, the most affected department being Ayacucho, with one in every two victims coming from there.(19)

> ***Public hearing held by the CVR in Ayacucho***"Shining Path took my husband out and they asked me where the money was, they asked my son too. They took my husband off and left me with my five children. In 1989 we were left like that, widows, and we went from hole to hole trying to hide, frightened at the least sound, we couldn't even go back to our homes. They grabbed one man and cut his throat saying that it was about time we took up the armed struggle. (...) 'I'm not doing anything', I told him and he hit me on the head with a stick. They slashed my baby. We were all hooded, and they started hitting us. (...) They took them to the square. Some said 'I don't know anything'. Then they called them dogs, killed them and later piled the bodies up one on top of the other."
>
> ***An inhabitant of the Community of Paccha***

According to the CVR, Shining Path made "systematic and widespread" use of criminal acts including torture [23% of the cases of torture reported to the CVR were attributed to them] and murder, as well as the devastation of whole communities, sexual violence against women and the use of explosives to carry out indiscriminate attacks in cities.(20)

According to the data collected by the CVR, the MRTA was responsible for 1.8% of the total number of human rights abuses committed during the internal armed conflict(21) and 1.5% of the reported fatalities.(22) The CVR also said that it was responsible for the "systematic use of kidnapping (...) [and] crimes (...), such as murder and hostage-taking".(23)

The CVR held the armed opposition groups responsible for 11% of the more than 500 reported cases of sexual violence against women and girls. Most of them were committed during incursions and armed confrontations or when withdrawing from an area or as a result of forcing women to have abortions or marry or cohabit against their will as well as of forcing both women and girls, including female members of armed opposition groups, into sexual slavery.(24)

The CVR also states that the armed opposition groups were responsible for forcibly recruiting young boys and girls. While in the case of the MRTA, the CVR believes that it was not a widespread practice and was concentrated in the departments of Ayacucho, San Martín, Junín and Ucayali, in the case of

Public hearing held by the CVR in Huancavelica "Sendero Luminoso killed my mother in 1987. 'We were left as orphans, we had nothing to eat or drink, we escaped from there and came to live in the city, leaving our homes and our things'. ***"Domitila Manchelaría from the community of Santa Barbara, a town that was abandoned by its inhabitants. Now Domitila Manchelaría is the first woman to hold municipal office within the community.Public hearing held by the CVR in Huancayo*** "The community abandoned us ... I don't want that to happen to anyone, to have to leave your community, your life, your customs and adapt to other ways of living. I feel no joy in living, I am a frustrated citizen .. I want them to find those responsible because they destroyed my life, the whole family. Secondly, I want my brothers to end up, to become professionals, Thirdly, I want my father to be recognized as a leader, a community leader, a peasant leader."

Elías Lozano Lozano, Community of Chinche. His father Víctor Lozano, a leader of the Federación Campesina del Valle del Canipaco, Canipaco Valley Peasant Federation, and of his community, was kidnapped and murdered by Shining Path in January 1989.

Shining Path, however, it believes that enforced recruitment was targeted at minors who were apprehended and, from an early age, forced to participate in acts of war. It also concluded that Shining Path committed indiscriminate acts against boys and girls which constituted breaches of international humanitarian law, including attacks on their lives and physical integrity, cruel treatment and torture, and the rape and sexual abuse of minors.(25)

According to the CVR, the armed opposition groups also helped to create the climate of terror that led to the forced displacement of populations. In particular, with regard to the Asháninka people in the department of Junín and other peasant and indigenous communities in the sub-region known as "Oreja de Perro", in the department of Ayacucho, it holds Shining Path responsible for the "forcible transfer of people" for having forced the population to move solely in order to be able to have a captive body of people at its disposal to work to satisfy its logistical needs.(26)

The CVR also documented cases in which the MRTA had murdered people on account of their gender identity or sexual orientation in order to "gain legitimacy with the population, thereby encouraging social prejudice against homosexuality, and (...) create anxiety among people from sexual minorities".(27) The CVR received eight cases of killings of transvestites and homosexuals by members of the MRTA in Tarapoto, department of San Martín, in 1989 and cases of similar offences in the department of Ucayali between May and July 1990, as well as complaints of telephone threats made to leaders of the *Movimiento Homosexual de Lima*, Lima Homosexual Movement, in 1992.(28)

2.2 State officials

According to the cases submitted to the CVR, State officials, *Comités de Autodefensa*, Self-Defence Committees(29) and paramilitaries were responsible for over 37% of deaths and "disappearances", most of them, almost 29%, apparently

perpetrated by the Armed Forces(30), followed by the police who, according to the testimonies gathered by the CVR, were responsible for almost 7% of deaths and "disappearances".(31)

Public hearing held by the CVR in Ayacucho"My mother disappeared in 1991 when I was 12 years old. Next day I went to the police to look for my mother and they told me she hadn't been taken there. I cried all night but I had to be strong for Paul, my brother. We went to the police so often that we made friends with one man there, the same one who tortured my mother, and he told me that she had been taken there. Sometimes I leave the door open because I still expect her to come back but no, she's not going to come back but I still can't rest... On the first of November, the Day of the Dead, in Ayacucho candles are taken to the dead. But I don't know where to take mine because I don't know where to go...".

Liz Marcela Rojas Váldez

With regard to the actions of the Armed Forces during the internal armed conflict, the CVR confirmed that "at some places and moments in the conflict, [their] behaviour ... not only involved some individual excesses by officers or soldiers, but also entailed generalized and/or systematic practices of human rights violations that constitute crimes against humanity as well as transgressions of the norms of international humanitarian law".(32)

In the case of the police, the Commission's analysis indicates that "the torture used by police forces was a systematic, general and widespread practice (...) [as were] the unwarranted arrests [on charges relating to "terrorism"]".(33) According to the CVR, the police "resorted to torture as one of the most effective means they had of obtaining information and evidence [with regard to "terrorism" cases], both in order to extract self-incriminating confessions and to obtain personal details and general information or to get the victims to name others as responsible".(34)

The *Final Report* states that 61% of those who died at the hands of State officials during the internal armed conflict were the victims of forced disappearance.(35) The CVR received almost 4,500 cases of forced disappearance at the hands of State officials

in at least 18 departments of the country. In 65% of those cases, the whereabouts of the victims is still not known.(36)

According to the CVR, forced disappearances were widespread and indiscriminate in the departments of Ayacucho, Huancavelica and Apurímac between 1983 and 1984 under the government of President Belaúnde Terry. After that, the practice spread to other departments, with 1989, under the administration of Alan García Pérez, being the year when the largest number of districts reported "disappearance" cases.(37)

Public hearing held by the CVR in Huancavelica "Since my son left, it feels like my two hands and my head have been taken away. (...) He said: 'I'm not going to train to be a teacher but to be a doctor so that I can help you'. Those young people were the future ... They were denied the right to defend themselves or to health care or, at the very least, to have a minister to help them."

The Crispín family. One of their sons, a student at the Instituto Superior Pedagógico, Higher Institute for Teacher Training, "disappeared" after being detained on 3 July 1989 by members of the Army.

The CVR also attributed responsibility for over 7,300 extrajudicial executions, of which the whereabouts of the victim is known in 4,400 cases, to State officials. In the remaining cases, however, although the Commission concluded that most of the victims had been killed by State officials, their remains have not yet been located or recovered.(38) Therefore, the total number of those who "disappeared" at the hands of State officials is over 7,000.(39)

Most cases of extrajudicial execution for which State officials were responsible took place, according to the CVR, between 1983 and 1985 (45%), under the government of President Belaúnde Terry, in the department of Ayacucho, mainly in the provinces of La Mar and Huanta, and between 1989 and 1992 (23%), in the latter years of the government of Alan García and the early years of Alberto Fujimori's first administration, mainly in the departments of Junín, Huánuco, Huancavelica and San Martín.(40)

The CVR also received reports of 122 massacres carried out by State officials in the departments of Ayacucho, Huancavelica, Junín, Cusco, San Martín and Lima under all the different governments that held power during the two decades of internal armed conflict.(41)

The CVR also recorded over 6,400 cases of torture and other cruel, inhuman or degrading treatment committed by State officials in 22 departments of the country to which should also be added the thousands of victims of "disappearance" and extrajudicial execution, most of whom were also almost certainly subjected to torture. According to the CVR, 75% of the cases of torture analyzed were carried out either by State officials - over half by the Armed Forces and 36% by the police - or by people acting with their authorization or acquiescence, including Self-Defence Committees and paramilitary groups.(42) Most occurred in the departments of Ayacucho (32%), Apurímac

Public hearing held by the CVR in Ayacucho"I asked them, 'Why are you taking my son away' and they said that he had to be a witness and that they would give him back to me at the door to the barracks... 'Piss off, you stupid old woman', they told me, 'leave your son'... When I caught up with them at the door, they pushed me and beat me. They wanted to put a bullet in me, they took my son from me and put him in the army truck and I started shouting like a mad woman. Since that day I have been going all over the place day and night trying to get them to return my son and when I went to see the Army, they told me that he hadn't been taken there and so I walked around for another fortnight like a mad woman.At that point my son sent me a note from the barracks saying, 'Mother, I am here in the barracks, find a lawyer, get hold of some money to get me out'. That is my last memory of my son. That note is evidence that my son was there..."

Angélica Mendoza, President of the Asociación Nacional de Familiares Secuestrados, Desaparecidos y Detenidos del Perú (ANFASEPP), National Association of Kidnapped, Disappeared and Detained Relatives of Peru. In 1983 the Army went to her home and took away her son. She has never seen him again.

According to the CVR analysis, the aim of the torture carried out by State officials was to obtain information or a confession from the detainee or to get the detainee to incriminate others, as well as to punish or intimidate both individuals and communities

to prevent them from collaborating with the armed opposition groups, or to get them to fight against them. The CVR concluded that torture and other forms of cruel, inhuman or degrading treatment were systematically inflicted in military bases and barracks, provisional detention centres and police stations, as well as in the offices and headquarters of counter-terrorism units. Of the torture methods used, the CVR devoted particular attention to cases of sexual violence against women and girls, most of which (83%) were attributed to State officials, especially the Armed Forces.(44)

The CVR also concluded that the recruitment of boys and girls aged between 15 and 17 was a systematic and widespread practice used by the Armed Forces during that period.(45)

2.3 The political authorities and the judiciary

The CVR assigns grave responsibility to the political authorities who were governing the country during those years,(46) authorities who, according to the CVR, "relinquished their powers to the Armed (...) Forces with regard to everything connected with the struggle against subversion"(47) and "incurred the most serious responsibility by failing to attend to reports of human rights violations or, as in many cases, by ensuring impunity for those responsible for the violations".(48)

Furthermore, during those two decades, a period in which the parties in government had a majority in Congress, the governing authorities used those majorities to curb or weaken the ability of Congress to scrutinize the militarization of the conflict or put forward other options, especially after the 1992 coup when Congress generally endorsed and encouraged the policy of cover-up and impunity that was being followed.(49) The *Final Report* concludes that the government of Alberto Fujimori legalized impunity for human rights violations attributable to State officials by successfully obtaining majority approval for two amnesty laws which violated several provisions of the Constitution as well as international treaties Peru had ratified.(50)

In the opinion of the CVR, not only civilian authority but also the administration of justice had been relinquished to the Armed Forces. It concluded that the judicial system had failed to adequately fulfill its mission, whether with regard to punishing the actions of subversive groups under the law, protecting the rights of detained persons or putting an end to the impunity of State agents who committed grave human rights violations. During those two decades, the judiciary came to be seen as a "sieve" that freed guilty suspects and imprisoned innocents. Its officials failed to guarantee the rights of detainees, thereby aiding and abetting gross violations of the right to life and physical integrity, or to take action to bring members of the armed forces accused of gross human rights violations to justice.(51)

In cases of human rights violations allegedly committed by members of the Armed Forces, the CVR analysis shows how the military justice system opened legal proceedings against those concerned when they were already being tried in civilian courts, resulting in disputes over jurisdiction between the military and civilian courts. The CVR concluded that "[t]he military justice system, which was systematically favoured in Supreme Court rulings on any cases of contested jurisdiction which arose, was not used so that the institution could punish the perpetrators but as a tool to protect them".(52)

The CVR also documents the deficiencies in the legislation applied during those years by the courts trying people accused of "terrorism-related" offences and the negative effect that legislation had on the right of detainees to a fair trial. For example, the 1992 "anti-terrorism" legislation provided a legal framework that made it possible for people to be charged and convicted unfairly. Among other things, the use of an imprecise definition of "terrorism-related" provided a framework in which people could be found guilty of committing an offence when there was no clear evidence that they had done so.

Hearing held by the CVR "on behalf of the innocent""In October 1992, when I was 19 years old, I was kidnapped at the entrance to La Cantuta University. The men said to me, 'You terrorist shit, now you're going to tell us the names of [other] terrorists'. When I was completely naked, they gave me an injection in the left arm. I felt dizzy but despite that, I could feel the terrible pain. They did the same thing the next day. I would have rather died than that. They weren't human beings but monsters from hell."

Testimony given by Magdalena Montesa who was pardoned in 1998 after spending six years in prison unjustly accused of "terrorism".

Another piece of this legislation which helped to detain and imprison people who had been unfairly accused of belonging to armed opposition groups was a law known as the *Ley de Arrepentimiento*, Repentance Law,(53) which was in force between May 1992 and November 1994. Under it, members of armed opposition groups who renounced violence, distanced themselves from such groups and supplied information leading to the capture of other members were granted benefits, including a reduced sentence. Such legislation therefore opened the way for people to make false allegations against others in order to get their own sentences reduced. Although the *Reglamento de la Ley de Arrepentimiento*, Repentance Law Regulations,(54) which came into force in May 1993, stated that the police "have responsibility for verifying the information supplied by the applicant", they often failed to do so and the Repentance Law therefore opened the door to further arrests that were unsupported by any evidence other than allegations made by members of armed opposition groups who submitted applications under the law in question.

In addition, between 1992 and 1995, depending on the complexity of the case, a detainee could be held totally incommunicado without a judge's authorization for up to ten days during the pre-trial investigation period. Detainees could be held for up to 15 days without charge and for a further 15 days if the charge of "terrorism" could be deemed an act of

"treason". During such periods, detainees were often tortured and ill-treated to force them to confess.

Furthermore, the trials of people accused of "terrorism-related" offences fell far short of international fair trial standards. For example, in cases in which the "terrorism-related" offence in question was "treason", civilians were tried by military courts which failed to meet the required standards of independence and impartiality. In addition, between 1992 and 1997, all "terrorism-related" offences were tried before so-called "faceless judges" (*jueces sin rostro*) who sat behind tinted glass and talked to the defendants through microphones which distorted their voices. On many occasions the defendant was unable to hear what was being asked and trials often lasted only a few minutes with little or no time available to present a defence.

> ***Public hearing held by the CVR in Lima***"[I]n 1994 I found out that warrants had been issued for all of us, that we were all terrorists with 30-year prison sentences. We turned ourselves in to find out what would happen to us because we weren't terrorists (...) The Army Captain (...) recommended to us that, since even elderly people were being sought as terrorists, we should apply under the Repentance Law so that everything would be over quicker. So we all went, the whole community, men, women, old people, everyone. But everything got worse. The police beat us up badly, they took our money and tortured us constantly because we were seen as *requisitoriados* (wanted people). Most of us ended up in detention. I spent nine months at the headquarters of the anti-terrorist police until June 99 when I was acquitted.The truth is that I don't understand. Is this how my community is rewarded for all the sacrifices it made for peace and survival?"
>
> ***Testimony given by Fermín Tolentino from the Cochas Paca community which was caught in the crossfire and attacked by both Shining Path and the Army.***

The 1992 "anti-terrorism" legislation also stated that police and military officers involved in the arrest and interrogation of those suspected of "terrorism-related" offences could not be called as witnesses and cross-examined during the trial. Furthermore, until November 1993, lawyers were prohibited from defending more than one client at a time charged with "terrorism-related" offences.

At the same time, as the CVR states, during the years of internal armed conflict *habeas corpus* petitions were generally declared inadmissible, a practice which is believed to have contributed to the fact that arbitrary detentions often culminated in torture, arbitrary execution and forced disappearance.(55)

The CVR believes that, of the tens of thousands of people who were held in pre-trial detention on suspicion of committing acts of "terrorism", many of whom were also subjected to torture and cruel, inhuman or degrading treatment, a large proportion were innocent and had been held unfairly on "terrorism-related" charges. For example, of the almost 34,000 cases of pre-trial detention recorded by the CVR between 1983 and 2000, almost half of those detained had to be released for lack of evidence before the case came to trial.(56)

In addition, according to the CVR, of the thousands of people accused of "terrorist-related" offences who were imprisoned as the result of a court order after the "anti-terrorism" legislation came into force in 1992, almost 1,400 - known in Peru as "innocent prisoners" - were found to have been unfairly convicted and were therefore acquitted by the courts, released as a result of a presidential pardon or granted clemency between 1996 and 2000. This took place after the government of Alberto Fujimori publicly recognized that mistakes had been made and that hundreds of people who had been unfairly convicted for "terrorism-related" offences were being held in Peruvian prisons.(57)

The CVR stated that, since the 1992 "anti-terrorism" legislation had been strictly and uncritically implemented, the impartiality and accuracy of the trials in question could not be guaranteed. "[H]undreds of innocent persons had to endure long sentences [and] due process violations cast a heavy shadow of doubt over the trials that took place". (58)

The CVR also confirmed that those sentenced for "terrorism-related" offences were subjected to prison conditions which amounted to cruel, inhuman or degrading treatment and

in no way led to their rehabilitation.(59) Such conditions led to riots and massacres in June 1986, when over 150 prisoners died in Lurigancho, Santa Bárbara and El Frontón prisons in Lima, and in 1992, when at least 39 inmates died in Castro Castro Prison, also in Lima.(60)

3. The victims: some of the most defenceless members of Peruvian society

3.1 Social exclusion and racial discrimination

The CVR found that the violence fell unequally across different geographical areas and different strata of the population. It concluded that "there is a clear relationship between social exclusion and the intensity of the violence".(61) Of the victims recorded by the CVR, 40% were from Ayacucho, one of the poorest departments in the country. Taken together with the cases from Junín, Huánuco, Huancavelica, Apurímac and San Martín, they made up 85% of the total number of cases received by the CVR,(62) Huancavelica, Ayacucho, Apurímac and Huánuco being four of the five poorest departments of Peru representing only 9% of the overall income of all Peruvian families.(63) In contrast, less than 10% of the people who died or "disappeared" belonged to the wealthier sectors of society.(64)

The *Final Report* also shows how most of the victims, both male and female, belonged to rural (79%) or peasant (56%) groups which are those that face greatest social exclusion and have least access to economic resources. The percentage of deaths and "disappearances" among people working in the farming/livestock sector and living in rural areas reported to the CVR is much greater than the percentage of people who, according to the 1993 electoral census, were living in those areas (29%) and working in that sector (28%).(65)

The CVR also concluded that a very high proportion of those who died or "disappeared", over 75%, spoke Quechua or other native languages as their mother tongue in a country where, according to the 1993 census, only a fifth of the population spoke those languages.(66)

Public hearing held by the CVR in Ayacucho"After the massacres, the community disappeared, a victim of violence from both sides. After a while, everyone started coming back. We asked for a road to be put in so that we could get out of the poverty we have been left in by the war but they did not build it; we asked for a school because our children were illiterate but they did not give us one; we asked for a health centre because there is a lot of disease but they didn't give us that either. Maybe within one generation our children will be Peruvians."

An inhabitant of the community of Chacca.

According to the CVR analysis, indigenous peoples, mainly the Asháninka, were very badly affected by the internal armed conflict, a situation which seems to have exacerbated the exclusion and alienation they had already been suffering for centuries. Although there are no specific figures, the CVR estimated that of the 55,000 Asháninkas, about 10,000 were forcibly displaced within the Ene, Tambo and Perené valleys in the Peruvian Amazon jungle, 6,000 died and about 5,000 were held captive by Shining Path. It is also believed that, during the years of internal conflict, between 30 and 40 Asháninka communities disappeared.(67)

The cultural and ethnic gulf between the sectors of society most affected by the violence and the rest of the country is further reinforced by the differences in their levels of education. For example, the CVR concluded that the educational level of the dead and "disappeared" was far below the national average (68% of the victims had failed to attain secondary level education in a country where only 40% of the population as a whole had failed to do so).(68)

Similarly, in the case of internal displacement, about 70% of those affected were native language speakers from peasant and indigenous communities. Displacement not only exacerbated the alienation, prejudice and extreme poverty they were already suffering but also, given their low levels of education, forced them to become involved in the informal sector of the economy where they faced ethnic and cultural discrimination.(69)

Likewise, the majority of the victims of torture and cruel, inhuman or degrading treatment whose cases were investigated by the CVR were indigenous peasants aged between 20 and 39 who spoke Quechua and had only attained primary level education.(70)

Bearing in mind the socio-economic profile of the vast majority of the victims, as the CVR stated, "it is not surprising that this Peruvian rural, Andean, jungle-dwelling, Quechua and Asháninka, peasant, poor and uneducated was left to bleed for years without the rest of the country feeling or assuming as its own the true extent of the tragedy being endured by that 'alien people within Peru'."(71) According to the CVR, "the violence and its victims gradually took on greater importance for public opinion [and the media] as the conflict began to attack the centres of economic and political power within the country".(72) In its judgment, "[this] demonstrates the veiled racism and scornful attitudes that persist in Peruvian society".(73) It found that "due to the racism and the fact that those people of indigenous, rural and poor origin were given little consideration as citizens, the deaths of thousands of Quechua-speakers went unnoticed by national public opinion". Their absence and the pleas of their relatives were not enough to create active social pressure to condemn such acts(74) and "ethnic and racial differences (...) were often cited by the perpetrators [including both State officials and armed opposition groups] to justify action against their victims".(75)

3.2 Gender discrimination

According to the CVR, the violence during the internal Peruvian conflict did not affect men and women in equal measure. The testimonies gathered confirm that it was men, mostly aged between 20 and 49 (over 55%), who formed the bulk of the fatalities from the conflict (80%).(76) Women of all ages, on the other hand, made up less than 20%. Over 75% of the victims of the conflict were men over 15 who were married or living with a partner. In the opinion of the CVR, this shows that most of the

victims belonged to the population group with the largest number of dependent children and on whose shoulders the main economic and political responsibility within their respective communities lay.(77)

According to the CVR, most female deaths (60%) occurred in situations of indiscriminate violence such as massacres(78) or the "devastation of communities". In the case of men, on the other hand, most killings and extrajudicial executions took place in operations or actions against groups of less than five people, in other words, cases in which violence was used selectively against the group in question.(79)

The profile of the victims was said to be linked to the objectives and strategies of the main actors. For example, the CVR concluded that, through its strategy of seeking to win power through armed struggle, Shining Path sought to deliberately attack those who, according to their ideology, represented the State, namely, people with relatively important responsibilities or who played a certain social or political leadership role within their communities and who, in the main, were men. About 21% of the people killed by Shining Path reported to the CVR were local authorities or social leaders. In the judgment of the CVR, this seriously hindered any attempt to organize political mediation in the areas affected by the conflict since Shining Path had deliberately eliminated a whole generation of local political leaders.(80)

State officials also selected their victims according to a general profile of who was most likely to become a member of an armed opposition group. The largest number of victims to die or "disappear" at the hands of the security forces were, according to the CVR, males of under 30 years of age, a high proportion of whom, by comparison with the victims of armed opposition groups, were educated to secondary school level. Of the over 1,000 people arrested for "terrorism-related" offences who were interviewed by the CVR, half were between 20 and 29 years of age at the time of arrest and about 45% were educated to further

education level. The CVR concluded that "any strategy that selects targets for repression on the basis of such general categories (age group and level of education) and is applied systematically and on a large scale inevitably results in gross human rights violations".(81)

Nevertheless, although the victims of human rights violations were mainly men, according to the CVR, the conflict also had a significant impact on women. In its view, the internal conflict in Peru emphasized and strengthened a gender system that was characterized by inequality, hierarchy and discrimination. Women were caught in the crossfire. They were ordered by both the armed opposition groups and the security forces to cook for them, tend the sick and provide accommodation while at the same time being under threat from both. They had no choice, they had to obey, otherwise their lives and those of their relatives would be put at risk. Women were not listened to, their views were not taken into account by either side. "While women may have been invisible and marginalized before the conflict, their situation worsened as a result of the internal conflict. Women whose opinions were already not usually seen as relevant or permitted were in that context once again silenced".(82)

According to the CVR, women suffered greatly during the internal conflict because of their gender, with rape being employed as a weapon of war to diminish them and keep them in their place through the use of their bodies. They were also subjected to other forms of torture, including psychological torture, which was used to obtain information about their relatives, as well as enforced recruitment and forced marriage or cohabitation.(83)

The CVR found that rape was common and used quite extensively, mainly by the Armed Forces who used it almost exclusively against women. Of the over 500 cases of rape reported to the CVR,(84) in only 11 of them was the victim a man.(85) Many of the women concerned said that they had suffered mental and physical health problems, including problems with reproduction, as a result of the sexual violence to which they were subjected.

Public hearing held by the CVR in AyacuchoIn 1985 they came in with twenty-four soldiers (...): they went from hut to hut getting the people together and blocked off the exits so no one could escape. There were mainly only young women, children, pregnant women and elderly people there. From the woods I could see them taking the young women off to a nearby mound to rape them. Then they separated them out: women and children in one house and men in the other. They started shooting and throwing bombs and the houses caught fire. They silenced 69 people right there. After that my people were in a bad way but they still went on killing people... If they found two people together, they killed them. If they found three, they would kill them all too. It was as if my people were alienated within Peru. No one knows why they did the killings. Unfortunately. What had those people done? Did they find terrorists? What terrorists did they find? That was just an excuse used by the military."

Testimony given by an inhabitant of the community of Accomarca.

According to the CVR, most sexual violence against women and girls was not reported because of the shame they felt or because they feared intimidation from their attackers. In cases in which complaints had been lodged, the CVR found that "indifference or little or no response was the norm, not only for fear of reprisals from the (...) [perpetrators] but also because the matter was not deemed important and was seen as a private issue".(86)

In addition, "in their role as mothers or wives (...) it was [women] who largely faced the consequences of the enforced disappearance [or death of a loved one] on the family, by taking responsibility for running the household and searching for the relative concerned",(87) many of them having to suffer continuous ill-treatment, harassment and threats throughout the difficult and painful process of looking for the loved one.(88) Various forms of sexual violence were also used against them to punish them or as a reprisal for reporting human rights violations committed against their relatives to the authorities.(89) A quarter of the testimonies given to the CVR by women were from direct relatives of people who had "disappeared".(90)

Hatred and malice also led to revenge being taken against them. For example, the CVR points out that women were not only subjected to abuse by the different actors in the conflict but also had their human rights violated for being the mother, sister or daughter of alleged "terrorists" or for being the partner of a member of the security forces. Sometimes, in the violent atmosphere which prevailed, ideological reasons were also given for punishing women who did not perform the submissive role assigned to them.(91)

Most of these women were Quechua speakers from the southern highlands, young peasant women with very little education, in other words, members of the most socially and politically marginalized groups. In their case racial discrimination was combined with gender discrimination.

A clear example of this dual discrimination is the fact that thousands of women of indigenous or peasant origin and living in poverty or extreme poverty are believed to have been sterilized against their will or without their consent between 1996 and 2000. Although the CVR did not analyze these gross violations of women's rights in their *Final Report*, these cases also show how the right of thousands of Peruvian women to live free of violence is held back by social and gender discrimination. These enforced sterilizations took place in the context of the Family Planning Program implemented during the last five years of the period studied by the CVR, under the final administration of former President Alberto Fujimori, as part of its policy of demographic control which was specifically targeted at indigenous and peasant women belonging to the most deprived sectors of society.

The Family Planning Program stated that patients should be informed of all the family planning methods available and allowed to choose freely the method they preferred. However, at the same time, the service providers were set goals in terms of the number of sterilizations to be carried out as well as quotas for the number of clients they attracted who would choose sterilization over other forms of family planning. The conditions

placed on the providers therefore contradicted the principle of allowing the users to choose freely.

According to reports received by Amnesty International, women were frequently given biased information or were pressurized to accept sterilization. Over 200,000 poor women from indigenous communities and rural areas in the Andes and the Peruvian Amazon are said to have been sterilized without proper consent. Many of them or their families were threatened with fines or imprisonment or with having State food aid withdrawn if they did not agree to undergo the sterilization procedure. In addition, many of them reportedly did not receive the necessary post-operative care and as a consequence suffered health problems, some of them even losing their lives.(92)

Amnesty International believes that the use of enforced sterilization in Peru between 1996 and 2000 amounted to a violation of the reproductive rights of thousands of peasant and indigenous women with few economic resources. These rights, which were laid down in the Program of Action of the International Conference on Population and Development held in Cairo, are based on recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, as well as the right to attain the highest standard of sexual and reproductive health. They also include the right to make decisions about reproduction without being subjected to discrimination, coercion or violence.(93)

In 1999, the case of a Peruvian woman who died after being forcibly sterilized in 1998 was submitted to the Inter-American Commission on Human Rights. In 2000, after the Commission declared the case admissible, the Peruvian State acknowledged that it had violated several rights enshrined in both the American Convention on Human Rights and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women ("Convention of Belém do Pará") to which Peru is a party. The State recognized that it

had violated the right to life, the right to physical integrity and the right to equal protection before the law without discrimination and that it was in breach of its duty to refrain from engaging in any violent act or practice against women.(94)

On the other hand, as the CVR notes, the internal armed conflict also transformed the social role to which women in Peru were traditionally relegated. They participated in the conflict mainly on the side of the armed opposition groups and their role was not confined to the traditional female roles of mediator and carer. They also participated in armed confrontations and committed human rights violations. The CVR cites documents indicating that 40% of the membership of Shining Path was female and over 50% of its Central Committee were women, most of them, in contrast to their low incomes and position in the labour market, with a higher level of education than the men. According to some studies cited by the CVR, Shining Path capitalized on the hatred and frustration created by not only the social and racial discrimination that existed in Peru but also the gender discrimination, in other words, on the frustration felt by women who, despite being academically qualified, encountered problems when trying to enter the labour market.(95)

Furthermore, women had to go from being mothers and wives to struggling against and confronting institutional power, which involved organizing themselves against the violence and searching for their "disappeared" relatives while at the same time taking over complete responsibility for their families. Women were the witnesses, the ones who had to deal with the continuing violence and conflict and the ones who mobilized themselves to report abuses and seek justice. It was not by chance that most of the testimonies given to the CVR came from women.(96)

Women were also "obliged to migrate or move, (...) [while having] to take sole responsibility for broken family groups, (...) [and], without financial resources and in conditions of cultural uprooting and social stigmatization, to make sure the family survived".(97)

This led, according to the CVR, to the coming together of a group of women who became important social and political actors, through their work in organizations of relatives of the "disappeared" and women's organizations such as the "canteens" ("*comedores*") and the 'glass of milk' program which sprung up in response to the economic crisis and the increasing deprivation facing the urban masses.

IV. The recommendations made by the Truth and Reconciliation Commission

1. Reconciliation and justice

The CVR interprets reconciliation as being "a new foundational pact [made] between the Peruvian State and society, and among the members of society (...) [in order to build] a country that is positively recognized as multiethnic, pluri-cultural, and multilingual".(98) It sees such reconciliation as being a necessity that can be made possible by uncovering the truth and using the justice system to provide reparations and punish the guilty. It must also include social justice, that is to say, the redistribution of access to power and wealth within Peruvian society.

While the CVR sees truth as a precondition for reconciliation, it sees justice as its essence and effect.(99) Bearing this in mind, the CVR believes that the first step towards reconciliation can only be taken when the perpetrators assume responsibility before the courts and pay their dues to society.(100) If the basis of the principle of reconciliation is justice, then "not only must the members of (...) [Shining Path and the MRTA] pay for their crimes [referring to the fact that most are already imprisoned for the crimes they committed] but also anyone else who has committed a crime (...) [because] [n]o one is above justice".(101)

In order for justice to be done, of the cases of gross human rights abuses and violations it documented, the CVR forwarded 43 cases in which the alleged perpetrators, including both

members of opposition groups and State officials, could be identified to the *Defensoría del Pueblo,* Ombudsman's Office, and the *Ministerio Público*, Public Prosecutor's Office. They included killings, extrajudicial executions, forced disappearances, torture and ill-treatment, sexual violence and massacres in communities and prisons, as well as examples of human rights issues in some military barracks and bases.(102)

2. National Plan for Forensic Anthropological Interventions

In order to move forward in the search for the more than 7,000 people who "disappeared" during the armed conflict, the CVR has put forward a *Plan Nacional de Investigaciones Antropológico-Forenses*, National Plan for Forensic Anthropological Investigations, and proposed that a *Registro Nacional de Sitios de Entierro*, National Registry of Burial Sites, be compiled. The CVR believes that the Plan will help to ensure that human remains are properly retrieved so that the facts, the causes of death and the presumed perpetrators can be determined. By returning the remains of victims to the families and societies concerned, it will be possible to make progress with investigations and legal proceedings as well as with the reparation process.

3. Reparations

The CVR has put forward a *Plan Integral de Reparaciones*, Comprehensive Plan for Reparations, to help the victims of the internal armed conflict to regain their personal dignity, security and tranquility as well as their self-respect and mental and physical wellbeing. The Plan also seeks to ensure that the victims are given back their rights as citizens and, where possible, that compensation is provided for the social and material damage caused to their local area or community as a result of the specific loss, "disappearance" or suffering endured. Reparations must therefore be both individual and collective.(103)

According to the CVR, the beneficiaries of the Plan will be any individual or group of individuals who suffered acts or omissions that amount to violations or abuses of international human rights law, including those who were subjected to forced disappearance, kidnapping, extrajudicial execution, murder, enforced displacement, arbitrary detention and violation of due process, enforced recruitment, torture and rape, as well as those who were wounded, injured or killed as a result of attacks by the armed opposition groups, regardless of who the perpetrator was, what relationship he or she had with the victim and what the victim may have done in the past.(104)

The CVR sees the reparation of victims as being closely linked with the tasks of uncovering the truth, reconstructing historical memory, implementing justice and carrying out the institutional reforms that are necessary to ensure that what happened can never be repeated. In the opinion of the CVR, if any one of these is done without the others, its value will be largely lost and it will be seen as an empty gesture. As a result, any contribution it may make to bringing about national reconciliation and building and consolidating the rule of law and democracy is likely to be limited.(105)

In this context, the CVR has recommended the following types of reparation:

a) Symbolic reparations such as:

1) Encouraging the holding of events that recognize the importance and seriousness of the damage caused to those who should have been protected.
2) Closing down or renovating places associated with human rights violations, including detention centres in which conditions are particularly harsh and amount to cruel, inhuman or degrading treatment, such as Challapalca Prison and El Callao Naval Base.(106)

b) *Reparations in the field of health* such as:

setting up free health programs to provide treatment for mental and physical problems, including specialist mental health treatment for women.

c) *Reparations in the field of education* such as:

1) Exonerating those who were forced to give up their studies from having to pay for their education and setting up a grants program for them.

2) Extending or setting up adult education programs in the areas where there was greatest violence.

d) *Reparations relating to the restoration of full citizen status and the removal of social stigma* such as:

1) Regularizing the legal status of the "disappeared" by recognizing them as being "absent due to disappearance" which would allow their relatives to settle matters relating to succession, property and ownership of goods.

2) Regularizing the legal situation of citizens against whom arrest warrants were wrongly issued in connection with "terrorism-related" offences(*los "requisitoriados"*).

3) Setting up a general program for the issuing of new regularized documentation to people who have been left without identity documents as a result of the internal armed conflict.

4) Destroying the legal, trial and police records of "innocent prisoners" who have been acquitted, released on completion of sentence, pardoned or granted clemency.

e) *Financial reparations* such as:

1) Offering individual compensation to the relatives of those who died or "disappeared", people who have been left with physical or mental disabilities, people who were unjustly imprisoned, the victims of sexual violence and children born as a result of rape.

2) Offering collective compensation to rebuild and consolidate institutions in peasant and indigenous communities, settlements and other areas which lost their social and physical infrastructure, partially or entirely, as a consequence of the period of violence.

4. Institutional reform

a) *Reforms to ensure that the State has a presence*

One of the reasons highlighted by the CVR for the extent of the conflict and the huge impact it had in some parts of the country was the absence of a State presence or institutional mechanisms in those areas. Among the reforms proposed by the CVR in this connection are the following:

1) The rights of indigenous peoples and their communities should be recognized in national legislation in order to give them fair and legitimate legal protection, reaffirm the diversity and plurality of Peru and set up a State policy body to deal with indigenous and ethnic matters.

2) Policies and standards need to be developed to facilitate collaboration between the National Police, the municipal authorities and citizens so that the police can do their work effectively and to a high standard. Mechanisms should also be set up to prevent abuses and, in the event that they do take place, ensure that they are rapidly and efficiently dealt with.

3) Incentives should be given to those working in state education and health to go and work in the areas that were most affected by the conflict and are far away from urban areas.

b) *Reforms related to the security forces* such as:

1) Developing a national security policy and establishing civilian control over the military intelligence services.

2) Determining the respective spheres of competence of the Armed Forces and the Police.

c) *Reforms related to the administration of justice* such as:

1) Strengthening the independence of the justice system and confining military jurisdiction to service-related offences.
2) Incorporating into domestic legislation developments on international human rights law and international humanitarian law.
3) Reforming the prison system by introducing guaranteed rights for detainees, including access to basic services (food and health care), as well as retraining, rehabilitation and social reintegration programs.
4) Setting up the necessary procedures and institutions to examine and rule on requests for clemency from those convicted on terrorism charges who claim they are innocent (the "innocent prisoners").

d) *Reforms related to the education system* such as:

1) Promoting respect for ethnic and cultural differences and favouring a policy of bilingual and cross-cultural education that, by prioritizing children from the poorest areas that were most affected by the violence, can bring about greater integration and overcome racism and discrimination.
2) Drawing up a plan to teach basic literacy that prioritizes teenage and adult women in rural areas where illiteracy rates are highest.
3) Improving rural schools at the level of both infrastructure and staffing.

5. Following up the work of the CVR

The CVR also recommended that a Cross-Institutional Working Group be set up to organize its recommendations, help disseminate the *Final Report* and pass on specific proposals to the relevant public bodies.

V. How the Final Report was received

In November 2003, in a speech made in response to the CVR's report, President Alejandro Toledo gave his backing to the Commission's work, stressing that its recommendations would be addressed by the government and that a group would be set up to follow them up. The President apologized on behalf of the State "to those who have suffered" and announced that some 800 million US dollars would be put into a *Plan de Paz y Desarrollo*, Peace and Development Plan, to improve public works in the areas most affected and strengthen state institutions and civil society.

In his speech to the nation, the President also declared 10 December, International Human Rights Day, as a Day of National Reconciliation and called on authorities throughout the country and civil society to hold symbolic reparation ceremonies in recognition of the civilian, military and police victims. He also said that the inclusion of the most important aspects of the *Final Report* in school curriculums and textbooks would be encouraged.

The President also emphasized that it was now the task of the Public Prosecutor's Office and the judiciary to ensure that justice is done in these cases "without sheltering behind impunity or abuse".

In addition, at the ceremony during which the *Final Report* was handed over, the President of the Supreme Court of Justice promised to adopt the necessary measures to ensure that the legal proceedings arising from the investigations carried out by the CVR would be impartial, effective and transparent. He also apologized to the people of Ayacucho and the country for the disgraceful conduct of many judges who misuse their responsibility and renounced their sacred duty to dispense justice, and acknowledged that the judiciary did not take firm enough action to demonstrate that they were committed to defending life and liberty.

In Congress in November 2003, in response to the presentation of the *Final Report*, the Justice and Human Rights

Commission set up a working group to evaluate and follow up its conclusions and recommendations.

However, the political parties and former presidents who had governed the country during the years of internal armed conflict distanced themselves from the CVR's conclusions and denied that the human rights violations attributed to the Armed Forces were systematic and widespread.(107)

Many members of the Armed Forces and Police expressed their displeasure with the report and rejected its conclusions, and attempts were made to discredit the Commissioners by accusing them of being hostile to the security forces. Serving and retired members of the security forces and their relatives, while recognizing that excesses were committed by State officials during the internal armed conflict, also denied that human rights were systematically violated.(108)

However, according to opinion polls carried out in Lima, the general public for the most part believed that the CVR had performed its task well and saw the *Final Report* as positive for the country. Its findings, including the fact that responsibility was assigned to both the armed opposition groups and the security forces, were generally accepted as were the recommendations, including the need to make moral and material reparation to all the victims of the conflict. Most of those interviewed, who were of all ages and social classes, thought that the government should implement the recommendations put forward by the CVR.(109)

In December 2003, as far as the Church was concerned, the Peruvian Bishops included a reference to the *Final Report* in their Christmas message, saying that it should become a starting point for the reconciliation process and that it was necessary "to move towards comprehensive reconciliation based on truth and justice".(110)

VI. Progress and setbacks since publication of the Final Report

One year on from the publication of the *Final Report*, the Peruvian authorities have undertaken a series of initiatives to address the recommendations contained in it. Last February, the *Comisión Multisectorial de Alto Nivel*, High-Level Cross-Sector Commission, was set up to take charge of State action and policy on matters relating to peace, reparations and reconciliation and to follow up on the CVR recommendations.(111) Furthermore, in December 2003, the *Fiscalía Superior Especializada en Derechos Humanos, Desapariciones Forzosas, Ejecuciones Extrajudiciales y Exhumación de Fosas Clandestinas*, Office of the Specialist Prosecutor for Human Rights, Forced Disappearances, Extrajudicial Executions and the Exhumation of Secret Graves, was set up in Lima, together with ten other specialist provincial prosecutors' offices, in order to move forward in the area of truth and justice.(112)

Several government authorities have also reportedly held ceremonies in recognition of the people who suffered serious abuses and violations of their fundamental rights during the conflict. Some local authorities have also taken action to erect public memorials to the victims of the violence.

For its part, in April 2004, the Ombudsman's Office, which in September 2003 took charge of the store of documentation gathered by the CVR,(113) inaugurated, with that same documentation, the *Centro de Información para la Memoria Histórica y Colectiva y los Derechos Humanos*, Information Centre for the Historical and Collective Memory and Human Rights, where the information gathered by the CVR and the official complaints submitted to the Public Prosecutor's Office between 1983 and 1996 will be available for public consultation.

In May 2004, the Ombudsman's Office also held a public audience for the Asháninka people in the department of Junín at which the *Final Report*, especially the parts relating to the suffering inflicted on that indigenous group by Shining Path, was made known to the community.

In May 2004, the Ombudsman's Office also announced the launching of a campaign to address the documentation needs of over 5,000 people in indigenous communities who are said to have no offical documents. The Ministry of Health is also reportedly providing access to health programs in those communities.

In addition, according to reports from the Health Ministry, between October 2003 and January 2004, the cases of 200 people suffering from mental health problems in the Ayacucho region were addressed under the *Programa de Intervención en Violencia Política*, Program for dealing with [the effects of] Political Violence, run by the Mental Health Unit of the Health Ministry. This was in addition to the over 600 cases it reportedly dealt with earlier in 2003.(114)

According to reports received by Amnesty International, since September 2003, in the area of education, the Education Ministry and other educational institutions have begun to allocate grants to children of victims of the conflict and in March 2004, with regard to housing, the Peruvian authorities, through the Housing Ministry, granted victims of the conflict priority access to low-cost housing programs.

As regards justice, three of the 43 cases submitted by the CVR to the Public Prosecutor's Office have been brought to trial, with the rest still under investigation. The three cases being prosecuted relate to the alleged arrest and subsequent extrajudicial execution in Ayacucho of residents of the district of Totos in April 1983 and of the Quispillaccta peasant community, in the district of Chuschi, in March 1991, both attributed to officers from Totos Military Base, and the case of the murder of 34 inhabitants of Lucmahuaycco, Cusco, in November 1984, allegedly committed by a patrol made up of police, soldiers and members of the *rondas campesinas*, peasant patrols.

In the area of institutional reform, in May 2004, the Defence Ministry reportedly announced that changes would be made to the military curriculum so that international law is incorporated into the teaching and training provided in military institutions.(115)

In May 2004, the *Sala Nacional de Terrorismo*, National Terrorism Court, began reviewing the *"requisitorias"*, the irregular or incomplete arrest warrants issued in connection with terrorist offences. The review is due to end in March 2005.

With regard to the cases of people arrested on "terrorism-related" charges, in January 2003, the Peruvian Constitutional Tribunal had already declared several articles of the 1992 "anti-terrorist" legislation to be unconstitutional, thereby invalidating the life sentences handed down, as well as the trials held in civilian courts with "faceless judges" and the trials of civilians in military courts for the "terrorism-related" offence of treason. The Constitutional Tribunal ordered the retrial of all those who had been convicted under the articles of the "anti-terrorist" legislation that had been declared unconstitutional.(116)

Also in May 2004, the Peruvian Congress passed a Law on Internal Displacement granting legal status to displaced persons and establishing rights and guarantees to protect people from enforced displacement and the levels of government and humanitarian aid such people should receive in the event of displacement, return to their place of origin or resettlement.(117)

However, with regard to access to justice, a recent ruling by the prosecutor in charge of the case of the extrajudicial execution and subsequent "disappearance" of nine students and a teacher from La Cantuta University in 1992, which was attributed to the Armed Forces, is a cause of concern. In June 2004, the prosecutor decided to refer the trial of Nicolás Hermoza Ríos, who at the time of the incident held the post of Commander-in-Chief of the Army, to the military courts. This decision is in breach of international human rights standards and jurisprudence which state that military jurisdiction should be confined to service-

related offences and that human rights violations should be tried in civilian courts.

The ruling is a worrying retrograde step since, as the CVR states in its *Final Report*, during the two decades of internal armed conflict in Peru, military justice "(...) was used (...) as a tool to protect the perpetrators".(118) One of the matters of greatest concern during the internal armed conflict was precisely the fact that impunity was institutionalized, impunity which fed the vicious circle of violence in which the failure to punish those responsible for human rights violations helped to generate further acts of violence. The need to put a stop to such impunity led to the setting up of the CVR whose mission was to move forward towards truth and justice which are essential if the wounds from those two decades of suffering are to be closed and the country is to look to the future.

Amnesty International believes that Peruvian society will not be able to achieve true reconciliation if decisions such as that taken in June 2004 become the norm, when the hundreds of other cases documented by the CVR and in which it is crucial for justice to be done are brought before the judiciary.

It is worth pointing out that, in November 2003, the Ombudsman's Office submitted an appeal on grounds of lack of constitutionality (*recurso de inconstitucionalidad*) against certain articles of the *Ley Orgánica de Justicia Militar*, Basic Law on Military Justice, and the Military Justice Code, arguing that they go beyond the bounds of the Peruvian Constitution by granting powers to military courts which should fall to the civilian courts and that they violate the right to have access to impartial and independent courts and judges and the right to legal representation. Amnesty International hopes that the Constitutional Tribunal will rule favourably on this appeal at the earliest possible opportunity.

The organization trusts that the Peruvian authorities will continue to take steps to address all the recommendations made by the CVR and to make sure that no decisions are taken that

will impede the right of victims and their relatives to know the truth, have access to justice, see those responsible tried in independent and impartial courts and receive appropriate reparation.

VII. Amnesty International's conclusions and recommendations to the Peruvian authorities

The CVR carried out an extensive and thorough analysis of the circumstances that gave rise to the internal armed conflict as well as of the human rights abuses and violations which took place during the two decades of violence and destruction Peru experienced between 1980 and 2000. It is clear from the *Final Report* that the armed opposition groups, especially Shining Path, capitalized on the chronic social exclusion and racial, ethnic and gender discrimination that exists in Peru to recruit followers from amongst those who were the victims of such discrimination. Furthermore, the negative stereotypes attributed to such people were also used by all the actors in the internal conflict, both State officials and armed opposition groups, to justify the violence to which thousands of citizens of indigenous or peasant origin living in poverty or extreme poverty were subjected.

The existence of such discrimination also helped to ensure that the numerous gross human rights abuses and violations committed against the impoverished indigenous and peasant majority did not fill the public with indignation and that they went practically unnoticed for years until the conflict spread to the capital, Lima, and began to affect the minority who control political and economic power within the country.

The *Final Report* also looks more closely at one of the least known aspects of the Peruvian internal conflict: the extent of the gender abuses and violations, including the hundreds of cases of sexual violence and rape perpetrated against Peruvian women and girls, most of whom came from groups at the bottom end of the social scale and found themselves caught in the crossfire during that dark period of Peruvian history. Women who, as well as suffering social, racial and ethnic discrimination, had to deal

with the gender discrimination that still affects the ability of thousands of women in Peru today to exercise their civil, political, social, economic and cultural rights.

Amnesty International believes that these discriminatory attitudes towards women and girls and those who have limited financial resources or are of peasant or ethnic origin and which are entrenched in a large part of the Peruvian population contributed to creating the atmosphere of violence the country experienced for twenty years. The organization therefore believes that, in order to move towards a future in which the rights of all Peruvian men and women are respected, regardless of their social class, race or ethnicity, gender, sexual orientation or gender identity, the discrimination and exclusion which are still preventing many Peruvians from freely exercising their rights as citizens must be brought to an end and action needs to be taken to reverse their effects.

With a view to ensuring that the terrible events that took place during the Peruvian internal conflict can never happen again, the CVR has put forward recommendations that include action to address the victims' right to truth, justice and reparation as well as reforms to deal with the failure of the authorities to protect and promote the economic, social and cultural rights of the vast majority of Peruvian men and women.

Some of these measures do not require major financial investment and, given sufficient political will, they could be implemented by the Peruvian authorities very quickly. Others involve radical structural reform or require changes in the culture and perceptions of a significant swathe of Peruvian society and will therefore need a long-term program of reforms. Amnesty International hopes that they will all be carried out as soon as possible.

The organization believes that, if the country is to break with its tragic and painful past, the Peruvian State needs to implement numerous measures, both in order to satisfy the right of the victims to truth, justice and reparation and to ensure that

such events can never happen again, as well as to help create a country where equality of opportunity for all Peruvian men and women can become a reality.

In order to meet these objectives, Amnesty International believes that it is essential for the Peruvian State to draw up a ***National Action Plan on Human Rights*** that sets out the measures required to improve human rights promotion and protection, as recommended in the Vienna Declaration and Programme of Action approved by the UN World Conference on Human Rights on 25 June 1993.(119)

Such an Action Plan should take an integrated approach to human rights issues within the country, including civil and political rights as well as economic, social and cultural rights, through the adoption of public policies that involve all sectors of the State. The Peruvian authorities should also immediately implement programs to address the marginalization and discrimination suffered by the sectors of the population who bore the brunt of the violence during the internal armed conflict, namely, women, those with limited economic resources and indigenous and peasant populations. Such programs should include the design and implementation of measures to prohibit as well as eradicate the discrimination suffered by those groups for so many years.

The ***National Action Plan on Human Rights*** should prioritize the dissemination of the *Final Report* of the Truth and Reconciliation Commission throughout the country and in all the languages of the country. The conclusions contained in the *Final Report* with regard to the truth of what happened during the two decades of internal armed conflict should also be incorporated into education programs in order to begin rebuilding the history and historical memory of the country. The Commission's recommendations should also be implemented at the earliest possible opportunity.

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(1) Shining Path launched its armed offensive in 1980. In recent years, it has reportedly been operating in the Apurímac and Ene river valleys in the Amazon jungle. The MRTA began its armed campaign in 1984 and has now ceased operations.

(2) See Amnesty International document Peru: Letter to the President in support of the work of the Truth and Reconciliation Commission, AMR 46/011/2003, 6 July 2003.

(3) The Truth Commission was established in June 2001, under the transitional government of Valentín Paniagua Corazao, as a result of Supreme Decree No. 065-2001-PCM. It was ratified and expanded through Supreme Decree No. 101-2001-PCM which was passed in September 2001 under the government of the current President, Alejandro Toledo Manrique. The second decree changed the name to Truth and Reconciliation Commission and increased the number of commissioners from seven to twelve.

(4) The period covered by the CVR comprises the latter stages of the government of General Francisco Morales Bermúdez (17 May 1980-28 July 1980) and the governments of Fernando Belaúnde Terry (28 July 1980-28 July 1985), Alan García Pérez (28 July 1985-28 July 1990) and Alberto Fujimori Fujimori (28 July 1990-20 November 2000).

(5) The commissioners appointed were: Salomón Lerner Febres (President of the CVR), Director of the Universidad Pontificia Católica del Perú, Catholic Pontifical University of Peru; Beatriz Alva Hart, a lawyer, former member of Congress and a former Deputy Employment Minister in the government of Alberto Fujimori; Rolando Ames Cobián, a sociologist, researcher and political analyst; Monsignor José Antúnez de Mayolo, a Salesian priest and former apostolic administrator of the Archdiocese of Ayacucho; Luis Arias Grazziani, a retired lieutenant-general from the Peruvian Air Force and an expert on national security matters; Dr. Enrique Bernales Ballesteros, a Doctor of Law, constitutionalist and the Executive Director of the Comisión Andina de Juristas, Andean Commission of Jurists; Dr. Carlos Iván Degregori Caso, an anthropologist, professor at the Universidad Nacional Mayor de San Marcos, Greater National University of San Marcos, and a member of the Instituto de Estudios Peruanos, Institute of Peruvian Studies; Father Gastón Garatea Yori, a Sacred Heart priest and chairman of the Mesa de Concertación de Lucha contra la Pobreza, Coordinating Committee of the Struggle against Poverty; Pastor Humberto Lay Sun, an architect and a senior official of the Assemblies of God, an evangelical denomination belonging to the Concilio Nacional Evangélico (CONEP), National Evangelical Council; Sofía Macher Batanero, a sociologist and former Executive Secretary of the Coordinadora Nacional de Derechos Humanos, National Human Rights Coordinator; Alberto Morote Sánchez, a former Rector of San Cristóbal de Huamanga University; and Carlos Tapia García, a researcher and political analyst. Monsignor Luis Bambarén Gastelumendi, the Bishop of Chimbote and President of the Synod of Peruvian Bishops, was appointed as the observer.

(6) Final Report of the Truth and Reconciliation Commission, 'Introduction', p. 42.

(7) Final Report, Volume IX, Appendix 4, 'Cases and Victims recorded by the CVR', p. 2.

(8) Report on the activities carried out by the Truth and Reconciliation Commission, pp. 1-2, www.cverdad.org.pe/lacomision/balance/index.php

(9) Final Report of the Truth and Reconciliation Commission, Volume IX, 'National Plan for Forensic Anthropological Interventions', p. 209.

(10) Final Report, Volume VIII, Appendix 2, 'The Procedure for Exhuming Graves', p. 273.

(11) The mandate of the CVR (18 months extendable for a further five months) began in July 2001 and was extended in July 2002 (Supreme Decree No. 063-2002-PCM) until 13 July 2003 and again in June 2003 (Supreme Decree No. 62-2003-PCM) until 31 August of the same year, when the CVR submitted its report and was brought to a close.

(12) Final Report, Volume VIII, 'General Conclusions', p. 315.

(13) Final Report, Volume I, 'The Periods of Violence', p. 54.

(14) According to the statistical projections made by the CVR, between 61,007 and 77,552 people may have died or "disappeared" during the conflict.

(15) Final Report, Volume VI, 'Crimes and Human Rights Violations', p. 653.

(16) Final Report, Volume VIII, 'General Conclusions', p. 316.

(17) Final Report, Volume II, 'The Actors in the Conflict', p. 127.

(18) Final Report, Volume I, 'The Periods of Violence', p. 54.

(19) Final Report, Volume VI 'Crimes and Human Rights Violations', pp. 53-55.

(20) Final Report - Executive Summary, p. 5.

(21) Final Report, Volume II, 'The Actors in the Conflict', p. 430.

(22) Final Report, Volume VIII, 'General Conclusions', p. 319.

(23) Final Report – Executive Summary, p. 5.

(24) Final Report, Volume VI, 'Crimes and Human Rights Violations', p. 374.

(25) Final Report, Volume VI, 'Crimes and Human Rights Violations', p. 621. The CVR documented over 2,900 cases of human rights violations against children during the conflict.

(26) Ibidem, pp. 632 and 654.

(27) Final Report, Volume II, 'The Actors in the Conflict', p. 433.

(28) Ibidem, pp. 432-433.

(29) During the 1980s, in the central highlands of the Andes, the first Comités de Defensa Civil, Civil Defence Committees, or rondas contra-subversivas, anti-subversive patrols, were set up in some peasant communities to provide armed defence against Shining Path. In November 1991, under Legislative Decree 741 issued by the government of Alberto Fujimori, they were recognized as Comités de Autodefensa, Self-Defence Committees. Such committees came under the orders of the Armed Forces.

(30) Final Report , Volume I, 'The Periods of Violence', p. 55.

(31) Final Report, Volume II, 'The Actors in the Conflict', p. 232.

(32) Final Report, Volume VIII, 'General Conclusions', p. 322.

(33) Final Report, Volume II, 'The Actors in the Conflict', p. 233.

(34) Ibidem, p. 234.

(35) Final Report, Volume I, 'The Faces and Profiles of Violence', p. 166.

(36) Final Report, Volume VI, 'Crimes and Human Rights Violations', p. 113.

(37) Ibidem.

(38) Ibidem, p. 179 .

(39) Final Report, Volume VI, 'The Periods of Violence", p. 53.

(40) Final Report, Volume VI, 'Crimes and Human Rights Violations', p. 179.

(41) Ibidem, p. 179-180.

(42) Ibidem, p. 183.

(43) Ibidem, p. 258-259.

(44) Ibidem, p. 374 .

(45) Ibidem, p. 620.

(46) Final Report, Volume VIII, 'General Conclusions', p. 326.

(47) Final Report, Volume II, 'The Armed Forces', p.378.

(48) Final Report, Volume VIII, 'General Conclusions', p. 326.

(49) Ibidem, p. 333.

(50) Ibidem, p. 334. On 14 June 1995, Congress passed an amnesty law (Law No. 26479) which granted a general amnesty to all members of the security forces and civilians who had been accused, investigated, indicted, tried or convicted, or who were serving prison sentences, for human rights violations committed between May 1980 and June 1995. Following the passing of that law, the judge in charge of investigating the killings in Barrios Altos in 1991 claimed that it did not apply to her case. However, on 28 June 1995, before her decision had gone to the High Court to be ratified or vetoed, Congress passed a second amnesty law (Law No. 26492) prohibiting the judiciary from ruling on the legality or implementation of the previous amnesty law.

(51) Final Report, Volume III, 'The Political and Institutional Actors', p. 283.

(52) Ibidem.

(53) Decree Law No. 25499 of 16 May 1992.

(54) Regulations D.S. No. 013-93-JUS of 8 May 1993.

(55) Final Report, Volume VIII 'General Conclusions', p. 335.

(56) Final Report, Volume VI, 'Crimes and Human Rights Violations', p. 428.

(57) Ibidem.

(58) Final Report, Volume VIII 'General Conclusions', p. 335.

(59) Ibidem.

(60) Ibidem.

(61) Final Report, Volume I, 'The Faces and Profiles of the Violence', p. 158.

(62) Ibidem.

(63) Ibidem.

(64) Ibidem, p. 159.

(65) Final Report, Volume VIII, 'General Conclusions', p. 316.

(66) Final Report, Volume I, 'The Faces and Profiles of Violence', p. 160.

(67) Final Report, Volume V, 'Representative Stories of the Violence', p. 241.

(68) Final Report, Volume VIII, 'General Conclusions', p. 316.

(69) Final Report, Volume VI, 'Crimes and Human Rights Violations', p. 656.

(70) Ibidem, pp. 256-257.

(71) Final Report, Volume I, 'The Faces and Profiles of the Violence', p. 163.

(72) Ibidem, pp. 180-181.

(73) Final Report, Volume VIII, 'General Conclusions', p. 316.

(74) Final Report, Volume VIII, 'The Factors which made the Violence Possible", pp.101-103.

(75) Ibidem, p. 105.

(76) Ibidem, p. 48.

(77) Final Report , Volume I, 'The Faces and Profiles of the Violence', pp. 164-165.

(78) The CVR defines a massacre as a multiple killing with five or more victims.

(79) Final Report, Volume I, 'The Faces and Profiles of the Violence', p. 166, and Volume VI, 'Crimes and Human Rights Violations', p. 179.

(80) Final Report, Volume I, 'The Faces and Profiles of the Violence', pp. 168-169.

(81) Ibidem, pp. 173-174.

(82) Final Report, Volume VIII, 'The Factors which made the Violence Possible", p. 71.

(83) Ibidem, pp. 45 and 48.

(84) The CVR considers this figure to be just a fraction of the true number of offences of sexual violence committed against women and girls during the internal armed conflict in Peru because most cases were not reported to the authorities.

(85) Final Report, Volume VIII, 'The Factors which made the Violence Possible", p. 66.

(86) Ibidem, pp. 280-303.

(87) Final Report, Volume VI, 'Crimes and Human Rights Violations'. p. 116.

(88) Ibidem.

(89) Ibidem, p. 374

(90) Final Report, Volume VIII, 'The Factors which made the Violence Possible", p. 50.

(91) Ibidem, pp. 72-73.

(92) See Subcomisión Investigadora de Personas e Instituciones Involucradas en Acciones de Anticoncepción Quirúrgica Voluntaria (Sub-Commission to investigate people and institutions involved in voluntary surgical contraception procedures), Informe Final sobre la Aplicación de la Anticoncepción Quirúrgica Voluntaria (Final Report on the Implementation of Voluntary Surgical Contraception), June 2002; Ombudsman's Office, Anticoncepción Quirúrgica Voluntaria I. Casos Investigados por la Defensoría del Pueblo (Voluntary Surgical Contraception I. Cases investigated by the Ombudsman's Office), January 1998; and CLADEM, Nada personal, Reporte de Derechos Humanos sobre la Aplicación de la Anticoncepción Quirúrgica en el Perú: 1996-1998 (Nothing Personal. Human Rights Report on the Implementation of Surgical Contraception in Peru: 1996-1998), April 1999.

(93) United Nations document A/CONF.171/13, 12 May 1994, para.7.3.

(94) Report No. 66/00 of the Inter-American Commission on Human Rights of the Organization of American States, Case 12,191, María Mamérita Méstaza Chávez, Peru, 3 October 2000, and Report No. 71/03, Case 12,191, Friendly Settlement, María Mamérita Méstaza Chávez, Peru, 22 October 2003.

(95) Final Report, Volume VIII, 'The Factors which made the Violence Possible", pp. 56-57.

(96) Ibidem, p. 49.

(97) Ibidem, p. 46.

(98) Final Report, Volume IX, 'General Conclusions', p. 342.

(99) Final Report, Volume IX, 'The Foundations of Reconciliation', p. 13.

(100) Ibidem, p. 27.

(101) Ibidem, p. 34.

(102) Official Letter No. 005-2003-CE from the Comisión de Entrega (Handover Committee) of the CVR, 3 September 2003.

(103) Final Report, Volume IX, 'Comprehensive Plan for Reparations', p. 147.

(104) Ibidem, p. 149.

(105) Ibidem, p. 148.

(106) Challapalca Prison, in the department of Tacna, is 4,600 metres above sea level and extremely cold. Several leaders of armed opposition groups are held in underground cells at El Callao Naval Base.

(107) Bulletin 1, 'And after the CVR, what next?', Consultancy for the ICTJ, 8-14 September 2003, p. 2, and APRA Statement, 'APRA and the Truth Commission', 8 November 2003.

(108) 'Statement by Former Commanders-in-Chief of the Armed Forces to the Peruvian people concerning the report of the Truth and Reconciliation Commission (CVR)', 23 September 2003, and Bulletin 4, 'And after the CVR, what next?', Consultancy for the ICTJ, 22-28 September 2003, pp.2-3.

(109) 'Ideele' (a magazine), September 2003, pp. 44-47.

(110) Bishops of Peru: Preparemos el camino del Señor: Mensaje de Navidad (Let us prepare the road of the Lord: Christmas Message), 13 December 2003.

(111) Supreme Decree No. 011-2004-PCM, 6 February 2004.

(112) Resolutions from the Public Prosecutor's Office Nos. 2034-2003-MP-FN, 2036-2003-MP-FN, 2037-2003-MP-FN, 2038-2003-MP-FN, 2039-2003-MP-FN, 2040-2003-MP-FN, 2041-2003-MP-FN, 2042-2003-MP-FN, 2043-2003-MP-FN and 2044-2003-MP-FN.

(113) Article 7 of Supreme Decree No. 65-2001-PCM of June 2001 stipulates that "when [the CVR] has finished carrying out its duties, the store of documentation gathered by it (...) throughout its term of office, shall be handed over, with an inventory, to the Ombudsman's Office, and its contents held in strictest confidence".

(114) Press release 141-04, 'Health Ministry carries out mental health work in areas affected by political violence', 23 February 2004.

(115) Press Release: Defence Ministry submits to Congress the actions it has been taking on the CVR recommendations, 12 May 2004.

(116) Constitutional Tribunal, Judgment declaring several different articles of Decree Laws N° 25475, 25659, 25708, 25880 and 25744 to be unconstitutional, 3 January 2003.

(117) Law No. 28223, 20 May 2004.

(118) Final Report, Volume III, 'The Political and Institutional Actors', p. 283.

(119) Vienna Declaration and Programme of Action, United Nations document A/CONF.157/23, 12 July 1993, para. 71.

(120) See the Basic principles and guidelines on the right to reparation for victims of gross violations of human rights and humanitarian law, United Nations document E/CN.4/Sub.2/1996/17.

(121) United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security was adopted by the Security Council on 31 October 2000.

*GENDER, ARMED CONFLICT AND STATE POLICIES:**

Cecilia Rivera Vera, Patricia Tovar

1. Introduction

The aim of this paper is to examine the issue of gender and armed conflict. First we will give some definitions and clarifications on the concept of gender, which will help us to understand why it is important to have a gender perspective. In addition, we will examine the existing State policies, programs and strategies regarding women, conflict and peace keeping in the countries under study. We will also see if the UN recommendations are being applied in the cases studied regarding gender issues.

To illustrate our point and at the same time provide a theoretical framework we will examine the cases of Colombia, Nigeria, and Peru, and critically analyze the differences and similarities in order to offer some recommendations.

Armed conflicts affect women's life and change their roles in family, community and the public domain. Normally, this situation is not planned. The disintegration of family and community ties forces women to acquire new roles. Armed conflicts have created large number of women who are heads of household in areas where men have been conscripted, detained,

* This is an extract of a group paper presented by both authors and Adamna Maduako to the Conflict Resolution Programme, June 2003, Uppsala Sweden. The original presentation includes the case of Nigeria.

displaced, disappeared or assassinated. Women become responsible for care of their children, the aged and in general, their communities.

In this sense, women face a numbers of problems because they are women. Because in some cases they redefine the social and cultural perceptions of themselves and their former bonds within the society. Conflict transform their lives in many ways i.e. for many of them, is the first time they work outside the home, become providers, make decisions and organize themselves within the public sphere, a space previously reserved only for men.

In as much as we have known that women are affected by war in a different way, many researchers and activists have given examples of how men are affected by conflicts. We have to keep in mind that they die in higher numbers, become seriously injured, disabled and abandon their families and jobs. As a result, in some societies there are more able-bodied women than men, thus creating a demographic imbalance. Children are left without fathers, fostering feelings of revenge that eventually materialize in more violence that reproduces generation after generation.

In examining the ways women are affected by armed conflict, we should bear in mind the nature of gender relations, and see the role of men, and the reason of their behavior -as in the case of sexual abuse- and how to prevent it.

2. Conceptual Framework

Before going further in this discussion it is important to define the term gender. Gender "refers to the female and male roles within a given culture; these roles and the expected behaviours of men and women are based on cultural practices formed over time. One cannot study gender by concentrating on females or males to the exclusion of the other sex; gender involves dynamic interactions between the women and men" (Benjamin and Fancy: 1998, 11). Therefore, gender means the socially

constructed roles and relations between women and men. According to this definition the division of labour determines the activities, roles, duties and obligations that both women and men have in a given society. This varies according to the type of society, and by institutions like the family, the state, the religious system, and the general cultural rules reinforce it.

In order to understand the relation between gender and armed conflicts, it will be important to note that gender roles are ascribed to men and women in early socialization and reflect the myths, assumptions, expectations and obligations connected to each biological sex[1].

They are specific to a given culture in a given time and case therefore they are subject to change. They are affected by other forms of differentiation such as race, ethnicity and class and cut across public and privates spheres and are institutionalized at various levels- family community, society and state.

Gender also refers to the social position between women and men. As traditionally men have had a stronger position than women in most societies around the world, the values and norms in society have been shaped according to certain schemes of dominance and subordination. In other words, women's social and economic positions are diminished, giving men the role as controllers and providers, while women are subordinated and play supportive roles. In concordance, men assume a dominant position in the family, work and political life. In many parts of the world, men have *de facto*, the authority to control or influence decisions about war and peace, legal protection and punishment, political leadership, and distribution and control of resources.

For example, in a traditional, rural society, men, work outside their homes, make decisions with other men in public areas, tend the fields, and the cattle's. Women work in the

[1] Goldstein, Joshua .2001. War and Gender: How Gender shapes the War System and Vice Versa. Cambridge: Cambridge University Press.

domestic area, in the private sphere, as caretakers of their families and are in charge of processing food.

In an industrialized society, both women and men work outside of their homes; the state provides basic social security services. Children and elderly people are in day care centers, and the sick go to special homes, therefore releasing women from unpaid housework and into the labor market.

In some developing countries many of the women who live in urban areas work outside of their homes, the majorities are in the informal sector, but they do not have the support of the state and therefore have a double shift, because they also do the household work. However, we should mention that women are increasingly participating and competing for similar jobs.

Since gender roles dictate that men participate in the public sphere, they are generally found in decision-making roles, in power positions, in charge of formal government, as religious leaders, and in the military forces. On the other side, women exercise their power from their households, through their husbands and children, and have different mechanisms to make important decisions in their homes and their communities.

Armed conflict modifies relationships within the society and *vis-à-vis* gender construction. Definitions of armed conflict consider state and non-state actors as neutral however in the practice they have male bias. In addition women and men experience the conflict in different ways, as victims and perpetrators. They have unequal access to resources and they are involved in peace processes and reconstruction of societies in different ways.

Modern legislation, United Nation resolutions, state actions and Humanitarian rights and instruments provide the tools for women's protection and make an effort to mainstream a gender perspective with the aim to include women participation in legislation, policies or programs in any area and at all levels.

3. *The Importance of a Gender Perspective in Armed Conflict*

As we mentioned before a gender perspective must be taken into consideration because women and men are affected by conflict and war in very different ways. The consequences produced by this are determined by the roles that both women and men play in society, the social class structure, and by ethnic and religious lines, among other things.

- In terms of peace building we must consider that conflict is a gendered activity. According to Woroniuk (2001), there is a strong gender division of labor, women and men have different access to resources such as power and decision making during conflicts. – This was recognized in the IV Conference on women and development in Beijing, 1995.
- Women (as well as men) have a fundamental stake in building peaceful communities. After all, they are in charge of their children's education.
- Given the marginalized economic and political position of women within their societies, they are not usually well prepared to play an effective role. Since they are the heads of their households, they should have better and stronger tools.
- Women should be an important part of the reconciliation process.
- Because of the association of men with war, people tend to think that violence is a "normal" and "natural" solution to conflicts, and they prepare their young men to be warriors, and do not look into other possible alternatives to conflict resolution.
- The gender division of roles assumes that women are inherently peaceful, and that men are aggressive and violent. For this cultural and traditional ideas women remain largely absent from ethical and policy debates regarding when to go

to war, how to fight a war and whether resorting to war is morally justifiable (Peach 1996).

The general tendency to consider women as "pacifists" and "naturally" inclined to peace (Skjelsbaek) because of their roles as mothers, obscures their roles as combatants, are physically trained, and capable of violence as virulent as men. The idea of the masculine warrior excludes women as strategists, and negotiators, and those who want to pursue military careers are not allowed in or cannot act in higher ranking positions.

4. *The Relation Between Gender and Armed Conflict*

The armed conflicts are not gender neutral[2]:

- Women and men experience conflict in different ways: as victims and perpetrators.
- Women and men differentiate from each other according to their access to resources during armed conflict and inclusion in the decision –making process.
- Women and men have different roles and ways to be involved in peace construction and reduction of violence.
- Women and men have different needs, interests and peace strategies.

Due to armed conflict, women are forced to assume more male responsibilities in order to provide welfare to their families, most of the time without adequate economic resources or social supports. Their daily duties as providers and caretakers is full of difficulties due to the lack of basic services. Women's daily tasks as providers and caregivers become increasingly dangerous and difficult, especially as the availability of and access to public services and households goods shrinks. The role of women in ensuring food security, providing water and energy for household

[2] Lazaris K, *The Role of Women's non-governmental organizations in rehabilitation, reconstruction and reconciliation.* In, *The impact of war conflict on women and girls.* UNFPA.2001. Bratislava. Pp.103

use and their responsibility for the health care of their families may also put them at risk of being in cross/fire and of sexual abuse. They also find difficulties in fulfilling their role as providers because they are risk their lives and live in fear of being assassinated, harassed or sexually abused.

As women become the main providers of income for their families, they are forced to work at the informal sector, leaving their young daughters in charge of household and responsible for their younger siblings

According to the United Nations Security Council "the participation of women and children and the inclusion of gender perspectives in peace processes, whether formal or informal, are key factors to assure that the political, economic structures as well as the social institutions facilitate the achievement of more equity between women and men"[3].

According to a survey proposed by the National Program for Displaced people, a proposal for peace should include the organization of women within and outside the communities. This organization is recognized not only as a way to solve the impact of the violence but also as a way to repair the damage caused by violence.[4]

4.1 Women can be found in conflict situations as victims and actors

In armed conflicts women are victims in the following cases:

a) Gender Violence:

Gender Violence acts "are those acts of violence in which the main victims are essentially women or those acts which are specifically directed to women, just for the fact of being women. These acts could be done at public or private spheres and have

[3] UN Security Council., Report of the General Secretary on Women, Peace and Security. S/2002/1154 Pp. 5

[4] PAR MINDES. Censo Por la Paz. 2002.

[5] Report presented by the Peruvian Truth Commission, at the International Women's Day, March 8th 2002.

been internationally recognized as violations of rights to live, freedom, integrity and equality"[5].

Sexual violence refers to acts and crimes as rape, sexual mutilation, sexual humiliation, forced prostitution and unwanted pregnancies, among others. These acts of violence have also a symbolic and political meaning. They are committed with the further intention to hurt and dishonor the women husband's, father's, brother's and sons. It must be emphasized that the aggressions directed at women are not always directed at them as individual but as a representation of an ethnic cultural and social group[6]. That is why pregnancy through rape is the ultimate victory over a community. Torture is also used against women in order to violate their self-esteem and as a way to attack their communities and the men referred to them.

b) Destruction of social and family structures

The civilian population suffers due to the constrains brought by war. Attacks on civilians destroys infrastructure and the environment. Women whose husbands are killed, missing, injured, handicapped, kidnapped or tortured, adopt responses to adapt them to this new situation. Their daily activities are dangerous and difficult to fulfill because the lack of availability and access to public services and goods, increasing the risk of being injured, sexually abused or harassed by actors involved in the conflict.

c) Widows

In most societies it is through marriage that women acquired a social status. The loss of a their husband could mean social discrimination fear, poverty, homelessness and therefore women's daily task became more difficult to deal with. Many women are obliged to abandon their places of residence becoming party of the internally displaced population (IDP).

d) Internal Displaced Population

Under some circumstances women migrate to cities and

[6] Skjelsboef I. *Gender Battlefields. A gender Analysis of Peace and Conflict.* International Peace Research Institute. (PRIO) Report No. 6, 1997.

try to enter into formal labor markes but the social conditions in which they live forces them to enter in the informal market in different ways as street vendors, maids and prostitutes.

The effects of displacement are related to its duration and include family separations, breakage of kinship and support networks exposure to gender violence, trauma associated with the lost of their family members, health problems and loss of family possessions[7], such as land, animals and other property.

The long-term effects of displacement for women mean the loss of social and cultural ties. The termination of civil, economic and political rights such as labor, education, health access and legal recognition.

Internally displaced women who remain in camps are also subject of discrimination and sexual abuse. Accumulative violence generates trauma and psychological stress that affects also their children.

e) Detainees

Women abducted are raped, tortured and threaten buy actors in the conflict, including security in camps not to mention being killed. To some extent soldiers force family member to witness such abuse.

In armed conflicts women are participants in other ways:

a) Combatants and terrorist

It is mostly men who declare war, strategize fights and negotiate the end of destructive wars. Those activities are honored in the archetype of the masculine warrior. Therefore, there is a general tendency to consider women as pacifists and naturally inclined to peace. Femininity is conceptualized as inherently peaceful, with a concept of idealized motherhood, emphasized

[7] Benjamín, J. and Fancy K. 1998. *The Gender Dimension of Internal Displacement.* Paper presented to UNICEF.

[8] As Augusta La Torre Guzmán of Shining Path in Peru and Ulrike Meinhofp from the Red Army Fact in Germany, quoted in Briset, P and Mahan S. 2003 "Terrorism in Perspective" . Sage Publications. London.

and cited to legitimate the claim. But this is not always the case, women are also members of guerrillas or terrorist movements by will. Although most women participate as combatants, spies and supporting roles there are a few cases where women are in leadership positions[8]

b) Peace builders, activists and Human Rights Defenders, reconciliators.

Women are not natural peaceful, their have the right to participate in peace building processes. Articles 7 and 8 of CEDAW state the right of political participation of women in peace related activities. Therefore, women are active actors in the construction of peace. They generate public pressure for parties in conflict to listen to their aspiration for peace and agenda setting, that includes the needs of the most affected by conflict.

c) Decision makers

Women's participation in the decision making process is very low. They can design policies and also implement them. However, there is a tendency to design policies for women looking at them only as victims and giving priority to assistencial policies.

Women's organizations also define and promote policies. Their principal challenges are to re-build their communities, the socio-economic structure the social institutions.

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The Political Violence in Peru 1980-2000

Cecilia Rivera Vera

An historical overview

Through 1980 and 2000, Peru suffered a period of political violence that started in 1980 in Ayacucho, southern Andes, where Shining Path preached a Marxist fundamentalism and practiced terrorism that was extended in most of Peru, including Lima, the capital city.

The rise of Shining Path had to do with Peru's profound social, economic and racial fractures. Abimael Guzman , Shining Path 's leader, demanded his followers destroy the state to build a new society. The appearance of Shining Path was originally downplayed and then treated by the government as a criminal problem, not a political challenge. But, given the frequencies and the publicity of Shining Path's actions in the southern Andes that included the murder of government authorities, the government responded with more violence and a counterterrorist policy that amounted to systemic violation of human rights

Military repression was another mistake in the handling of a political phenomenon that was rooted in centuries of social and economic postponement of legitimate demand of an important sector of the population. The way military officers treated suspects of terrorism and the peasants violated any principle of human rights. Vast areas were declare under a "state of emergency" (which puts the armed forced in command of a geographical area and suspends basic civil rights), where extra judiciary executions began, common graves were discovered and there were tortures and forced disappearances. All of this went largely unpunished. A conservative calculation by the Coordinadora Nacional de Derechos Humanos (National Council for Human Rights) put the number of disappeared at 4,000 since 1982. There are also estimated numbers of 30,000 killings, 40,000 orphans, 20,000 widows, 600,000 displaced peasants and 435 destroyed communities.

Amnesty International estimated that 85 percent of the abuses against human rights occurred in the emergency zones - Peruvian Andes- and were carried out by the armed forces.

Even though Abimael Guzman is in jail and apparently Shining Path is no longer a revolutionary threat, the authoritarian government of President Fujimori did not made any effort to search for a non hierarchical and non coercive solution that focuses on the underlying causes of the conflict and the establishment of legitimate relations among all the members of Peruvian society.

President Valentin Paniagua created la Commission De la Verdad y Reconciliacion (Peruvian Truth and Reconciliation Commission) in 2001 during the period of transitional government from Fujimori's dictatorship to a democratic era.

The Commission examines over 4,000 allegations of forced disappearances, assassinations, torture, kidnappings, and other grievous violations of human rights that date from May of 1980 through November of 2000. Although this Commission will not have judicial authority to prosecute, it will have the power to propose initiatives that it believes will promote peace, rule of law, national reconciliation, and democracy. The final Report of the Truth Commission will be presented this next August.

1. The impact of the armed conflict in women.

Armed conflicts affect women's life and change their roles in family, community and the public domain. Normally, this situation is not planned. The disintegration of family network and community forced women to acquire new roles. The armed conflict s have created large number of women which are head of households in areas were men have been conscripted, detained, displaced, disappeared or assassinated. Being women responsible for their children, elderly and their communities.

In this sense, women faced and in some cases redefined the social and cultural perceptions of themselves and their former bonds within the society. For many of them, is the first time to work outside the home, to become providers, to take decisions and be head of households, as well as to organize themselves within the public sphere, which was before a space reserved only for men.

In Peru, the armed conflict affected women's lives in 5 main areas[19]:

[19] Coronel Aguirre, J. Balance del Proceso de Desplazamiento por Violencia Política en el Perú. In SEPIA Report. August. 1997 Pp.31

Destruction of the economical production and community services.

During this process, there was an economic decline in the communities in terms of the agricultural production, which destroys their commercial circuits. The terrorist movements stopped any commercial activities among the communities and the cities as well as the transportation services from communities to the cities. The terrorist consign "to isolated the cities" by avoiding provide cities with agricultural products, also isolated the communities.

Due to the absence of men women were in charge of the production activities, the fear of new terrorist attacks and the abuses from military forces as well as the need to find incomes for the survival of their families made women are forced to migrate.

Lost of lives and human rights violations.

The armed conflict produced devastation and human rights violations for women and men as well as generated thousand of deaths, missing persons, extrajuditial executions, torture and other violations of human rights.

According to the National Committee of Human Rights, over a total of 4601 cases of victims of torture 3,926 were men and 652 denounces came from women. However, for the National Committee, these numbers underestimate the real number of cases of torture during the years 1988 y 1999[20].

In the case of missing people, the Peruvian Ombudsman office states that 87 % of the cases correspond to men and 12.2 % correspond to women. In 70 % of the cases, members of military forces made the detention, especially from the Army (60.4 %) as well as member of the National Police (12.2%).

The massive lost of liberties and individual, economical and political rights generated thousand of innocent people who were accused with terrorist charges as well as a huge amount of undocumented people.[21].

[20] Coordinadora Nacional de Derechos Humanos. *Análisis de la problemática de la tortura en el Perú.* CNDDH. Lima, 1999. Pp. 23.

[21] Eliana Revollar, *Los Desplazados por la violencia política en el Perú.* Pp. 135.

There were also a systematic violence against women, assassinations, rape, torture and systematic sexual abuses. Member of the military forces, which reveal the triple role of domination over women as Maruja Barrig stated, produced the majority of them: they were women, poor, and indigenous [22].

Destruction of the social structure in the communities.

During this period the violence during the years of the conflict the population was forced to face a culture of violence. Abimael Guzman through its fundamentalist discourse forced his followers to destroy the Estate and creates a new society[23], which includes the assassination and killings of local authorities. As a consequence the authorities and police flied to urban center, provoking a massive disappearance of rural authorities and the disintegration of the diverse forms of organizations within the civil society.

The government responded with aggressive antiterrorist measures that generated more violence. The former communal authorities were accused of being terrorists. The military forces took control of the populations in the so- called zones in state of emergency. Consequently a massive migration of the leaders and main authorities provoked the weakness of social structures within the communities.

Psychological and emotional trauma.

Besides the violence that the population suffered, the conflict generated psychological and emotional violence because of the fear, the tortures, assassinations and forced disappearances.

Horacio Riquelme states that this type of psychological war against the same population has the objective to intimidate and impose a passive acceptance of authoritarian structures of domination.[24]

[22] Barrig M. *Female Leadership, Violence and Citizenship in Peru,* in Women and Democratization in Latin America and Central and Eastern Europe.(Ed.) Jane S. Jaquette, Sharon L Wolchik. The John Hopking University Press. 1988. Londres. Pp.117.

[23] Coordinadora Nacional de Derechos Humanos, *Análisis de la Problemática de la Tortura en el Perú.* CNDDH. Op. Cit. Pp. 58.

[24] Riquelme H. (Ed.) *Era de Nieblas.* Ed. N. Sociedad. 1990. Caracas. Pp. 32.

This war stress exercises an influence in each individual and provokes different reactions in each member of the community as well as the community as a whole. [25]

In the case of women, besides they suffered the lost of relatives and communities members, they had to face with o the rapes and sexual abuses, which were used also as methods of torture and intimidation.

New dynamics in the communities: The creation of women's organizations

Because of the family disintegration and the need to guaranty the reproduction of the family, new collective organizations were created, they were called Mothers clubs, in there, they share responsibilities in relationship of their nuclear families as well as community members.

Another kind of this organization was the committees of self-defense: rondas campesinas, in order to protect themselves against terrorist attacks, abuse from authorities and common assaults. These strategies were criticized due to the fact that generated more violence in the form of radical responses against the perpetrators of abuses and the use of children as part of these committees.[26] As far as the Government supported these committees, it will interesting to analyze the political strategy behind this support.

2. *The changes in women's roles and relations during the armed conflict.*

2.1.The relation between Gender and armed conflict.

In order to understand the relation between gender and armed conflicts, it will be important to note that gender and gender

[25] The individual responses to stress depends on the characteristics of each individual, the same situation and the support of the group . In ,Moro Ljiljana and others. *War Trauma: Influence on Individuals and Community.* War violence, Trauma and the Coping Process. International Rehabilitation Council for Torture Victims. Copenhague. 1998. Pp.89.

[26] Revollar, I. *Los desplazados por violencia política en el Perú.* Op. Cit. Pp. 141.

roles are ascribed to men and women in early socialization and reflect the myths, assumptions, expectations and obligations connected to each biological sex[27]. They are specific to a given culture in a given time and case thus change. They are affected by other forms of differentiation such as race, ethnicity and class and cut across public and privates spheres and are institutionalized at various levels- family community, society and state.

Gender also refers to the social position between women and men. As traditionally men have had a stronger position than women have in societies around the world, the values and norms in society have been shaped accordingly to certain schemes of dominance and subordination. In other words, there is a male bias and gender roles so far still diminish women's social-economical positions in most societies, playing the men the role of control and providers and women in subordinated and supportive roles. In concordance, men assume dominant position in the family, work and political life. In many parts of the world, men have *de facto*, the authority to control or influence decisions about war and peace, legal protection and punishment, political leadership, assignation of funds and resources control.

The armed conflict are not gender neutral[28]:

- Women and men experience the conflict in different ways, as victims and perpetrators.
- Women and men differentiated from each other according to their access to resources during armed conflict, inclusion the decision -making
- Women and men have different roles and ways to be involved in the processes for the peace construction and reduction of the violence.
- Women and Men and different needs, interests and peace strategies.

[27] Goldstein, Joshua .2001. War and Gender: How Gender shapes the War System and Vice Versa. Cambridge: Cambridge University Press.

[28] Lazaris K, *The Role of Women's non-governmental organizations in rehabilitation, reconstruction and reconciliation.* In, *The impact of war conflict on women and girls.* UNFPA.2001. Bratislava. Pp.103

2.2 The changes in gender roles due to the armed conflict in Peru

Historically, marriage and family are fundamental institutions in the Andean World. It not only allows the couple the access to resources but social recognition in the community. The fact that it will be completed or disintegrated will have implication in the social division of labor within the family as well as the relation with relatives and reciprocity networks (Cornejo, 1983)[29]

The absence of men, due to their killing and forced disappearances altered the traditional roles of women and men in terms of the relationships with the community and their families.

2.2.1 Changes in the social/sexual labor division within the household

Historically, the Andean family is a unit of production. Using their resources and labor force, they guarantee the subsistence of the family. (Figueroa 1983, Gonzáles 1984).[30] They organize themselves to fulfill specific duties that will allow the reproduction of their labor force at different levels. Even though there is not a restrictive division of labor, women were in charge of home tasks as cleaning, cooking, care of children and some agricultural activities. Men were in charge of the cattle, agricultural production and trading (Villalobos 1977, Cornejo 1983, Saravia 1985)[31].

Due to the armed conflict, women are forced to assume more responsibilities in order to provide welfare to their families, most of the time without economic resources neither social supports. Their daily duties as providers and caretakers found difficulties due to the lack of basic services. Women's daily tasks as providers and caregivers become increasingly dangerous and difficult, especially as the availability of and access to public services and households goods shrink. The role of women in relation to ensuring food security, the provision of water and energy for household use and their

[29] Espinoza, C. *Implicancias de género en el proceso de cambio técnico en sistemas de producción andinos.* In, Revista Peruana de Ciencias Sociales. Vol. 3, No. 1. 1992.

[30] Espinoza. Op. Cit. Pp. 74.

[31] Espinoza, Op. Cit. Pp. 72.

responsibility for health care may also put them at risk of being in cross/fire and by sexual abuse. They also found difficulties to fulfil their role as providers because they are in the middle of war between terrorist and military forces, risking their lives and with the fear to be assassinated, harassed or sexually abused.

As women become the main or only source of income for their families, they are forced to work at the informal sector, being the daughters- in the majority of cases- the ones who are heading the household during the absence of the mother as well as the responsible for the elderly and the children. [32]

"Hay una sobrecarga de trabajo, somos papá y mama de nuestros hijos, y apoyo a nuestros esposos en las diferentes actividades realizadas. También las mujeres viudas y madres solteras ya sumen una responsabilidad en su hogar como padre y madre para sus hijos en la educación, alimentación y salud". Mujeres de Junín.

2.2.2 The participation of women within the public sphere

" Participation in the process of decision- making within the communities

Traditionally, the participation of women in the process of decision making is performed within the household, but it is not directly expressed in the assemblies or community meetings (Núñez del Prado, 1975 Lapasini, 1984) [33]

Due to the armed conflict, women participated more actively in the process of decision making within their communities, developing in this sense, certain leadership. The dissapereance of former social structures allowed women to create new social structures in order to defend their lives, their families and the community. Some of these alternatives were the creation of women organizations as well as networks of mutual support.

[32] Coral I. *La Mujer en el contexto de la violencia política.* In : Mujeres, Violencia y Derechos Humanos. Pp. 87.
[33] Espinoza. Op. Cit. Pp. 73.

According to Aurora La Piedra, the creation of these organizations shows that women can play an active role within the armed conflict not only as victims but also as key actors and nexus within the families / through reciprocity networks and the communities. [34]

"Trabajamos algunas en alfabetización, otras fuimos dirigentas de Clubes de madres, Vaso de Leche y Secretaria de Mujeres""Asumimos algunos cargos en club de madres, vaso de leche y trabajamos en algunas instituciones pare nadie nos apoya como afectados por el terrorismo". Mujeres de Apurimac.

To some extent, some women community activists killed by the Shining Path also have been leading feminists. From 1985 until 1992, the Shining Path killed ten female grassroots leaders. The government did not protect women leaders against those attacks during the time of increased danger for female leaders. This lack of protection left women vulnerable to harassment and attacks and, consequently, compromised their ability to participate in society by running organizations. [35]

" Participation in armed forces

Women also participate in armed forces. The Shining Path was unique among armed insurgencies for the high number of women in its ranks, particularly in leadership positions. Often, women take part in the assassination squads that the guerillas sent to kill local authorities, government officials and police and military officers, as well as to give the coup de grace during public executions.

2.2.3 Gender Violence

Gender Violence acts [36]" are those acts of violence which main victims are essentially women or those acts which are specifically directed to women, just for the fact of being women. These acts

[34] Espinoza, Op. Cit. 72.
[35] Human Rights Watch Report. Threats and Murder of Women Leaders. http//www.hrw.org/about./projects/womrep/General-57.htm
[36] Report presented by the Peruvian Truth Commission at the International Women Day.2002.

could be done at public or private spheres and have been internationally recognized as violations of the rights to live, liberty, integrity and equality.

When we talk about sexual violence, these acts are referred to crimes as sexual violation, sexual mutilation, sexual humiliation, forced prostitution, and forced pregnancies, among others. These acts of violence have also a symbolic and political meaning, which is commonly, used at top leadership ranks. The torture is also used against women and girls in order to violate their self-esteem and as a way to attack their communities and the men who are related to them.[37]

These facts could configure crimes against humanity. The Statute of Rome in its article 7 condemns the violation, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence when it is committed as part of a generalized or systematic attack against a civil population.[38]

Throughout Peru's internal war, women have been the targets of sustained and frequently brutal violence committed by both parties to the armed conflict. Both sides often use violence to punish or dominate women believed to be sympathetic to the opposing side. Women have been threatened, raped and murdered by government security forces as well as by the Shining Path. Many times, the same woman has been the victim of violence by both sides.

"La violacion de mujeres frente a sus familiares fue común en la lucha antisubversiva. Y las mujeres detenidas por delitos comunes, incluyendo menores de edad, también sufren violaciones. A veces ellas son violadas por varios hombres a la vez. Hay casos documentados de violaciones de más de 20 hombres a una sola mujer."[39]

[37] UN Security Council. Report of the General Secretary on Women, Peace and Security. Pp. 2

[38] Statute of Rome. Art. 7.

[39] Coordinadora Nacional de Derechos Humanos, *Análisis de la Problemática de la Tortura en el Perú.* Op. Cit. Pp. 38

According to Seifert,[40] the sexual violation not only creates physical victims, but also perpetuates the image of women as victims. In this sense, the violation against women fits with stereotyped gender images based of classical differences between women and men. The aggressions are directed to women not as particular individuals but as a representation of an ethnic, cultural and social group.

The Human Rights Watch Report mentioned the fact; there was no situation in which wealthy or white women reported such sexual assaults. Almost all the women who had been raped by security forces were lower middle class to poor mestizas (mixed white and Indian) and cholas. These last ones are the ones who received the most brutal treatment, which indicates- according to Maruja Barrig- that rape also tends to be perpetuated down Peru's race and class ladder.[41]

The National Committee for Human Rights[42], stated that from 4601 cases of torture by sexual abuse, only 3.1% (144 cases) had already denounced the sexual abuse. From that percentage 77 % were women and y 22 % were men.

In relation to the authors of sexual abuses, from the 144 mentioned cases, 42 % (61 cases) corresponded to denounces against the National Police, 39.8% (57 cases) to the Army and 11% (16 cases) to the Navy.

Even though the number of women raped by member of the Shining Path is lesser than the number of sexual abuses committed by the Army Forces, certain specific groups of women as women Ashaninkas suffered sexual abuse from members of Shining Path.[43]

[40] Skjelsboek Inger, *Gendered Battlefields. A Gender Analysis of Peace and Conflict.* International Peace Research Institute (PRIO) Report 6/97. Oslo.

[41] Barrig M. *Female Leadership, Violence and Citizenship in Peru,* in Women and Democratization in Latin America and Central and Eastern Europe.(Ed.) Jane S. Jaquette, Sharon L Wolchik. The John Hopking University Press. 1988. London. Pp.117.

[42] Coordinadora Nacional de Derechos Humanos, *La problemática de la tortura en el Perú.* Op.cit. 39.

[43] Coordinadora Nacional de Derechos Humanos, *La problemática de la tortura en el Perú.* Op.cit. 39.

Perhaps the number of raped women were less common because the organization explicitly prohibits it and because of the high number of women militias. According to Human Rights Watch, the rape of female militants detained by police and soldier has been so common that the Shining Path incorporated the risk into its training for young women recruits. Women militants are told to expect to be raped and exhorted to consider it a political test that transforms them into more perfect cadres.[44]

How women's identities have already change due to the internal armed conflict, furthermore due to this particular violence? Narda Henriquez[45] said that the concept of identity is deeply interconnected with to the process of self-reflexion, how do we recognize ourselves and our relations with others, and how we recognize ourselves as part of a group. In this sense, how this violence affects themselves and their relations within their communities? And how the communities consider them as community members?

2.2.4 Women awareness of their fundamental Rights. A search for Peace.

During the armed conflict, women have played an active role in informal peace processes, as peace activists and human rights defenders through different mechanisms that included investigations about missing persons, the interchange of information regarding the deaths, missing persons and people in prison, as well as denouncing the pressure of army forces within this process.

This defense of human rights allowed a deeper analysis of three estructural causes for women's discrimination in Peru race, social class, and occupation. These elements combine to put certain women – poor, brown skinned (chola in the Peruvian racial argot) illiterate[46] and young at greater risks.

[44] Human Rights Watch Report, *A Weapon of War.* www.hrw.org/about/projects/womrep/General-50.htm

[45] Henriquez N. *Identidades y Jerarquías.* In : Los estudios de genero en las ciencias sociales. Lima. Pp. 86.

[46] These women in the majority are only quechua speakers. Quechua is the native language in Peru.

Marisol De la Cadena, mentioned these women usually do not have further contact in the cities, because men were usually in charge of trade and commerce. Traditionally were men the responsible to have external contact in the cities due to their major level of scholarly and knowledge of Spanish language. Consequently, indigenous women were considered the last chain in the social structure of the communities.[47] These attitudes were shared not only for community men but also for administrative and local authorities at the cities.

"Y aunque hemos sido humilladas, despreciadas y que nos han hecho hasta sus mujeres algunas autoridades, sentimos que hemos cumplido nuestro deber con nuestros hijos, para protegerlos contra la violencia,, velar por su integridad y verlos salir adelante".
Mujeres de Puno.

Women had struggled against these prejudices raising awareness of their rights and needs. One example are the women's organizations in Ayacucho, where an estimated of 80,000 women are participating in women's organizations, due to the fact most of the organizations are male dominated and do not always effectively represent the concern of women and children[48]

According to the UN Security Council " the participation of women and children and the inclusion of gender perspectives in peace processes, whether formal or informal, are key factors to assure that the political, economical structures as well as the social institutions facilitate the achievement of more equity between women and men".[49]

According to a survey proposed by the National Program for Displaced people, the women's proposal for the peace should include the organization of women within and outside the communities. This organization is recognized not only as a way to

[47] De la Cadena, M. *Las Mujeres son más indias.* In, Espejos y Travesías. (Ed.) Sonia Montaño y Regina Rodríguez. Isis Internacional. 1992 Santiago. Pp.31

[48] Cohen, Roberta and Sanchez/Grazoli, Gimena, May 2001, "Internal Displacement in the Americas, some Distinctive Features" , The Brookings-Cuny Project on Internal Displacement, Washington D.C.

[49] UN Security Council. Op. Cit. Pp. 5

solve the impact of the violence but also recognize itself as a way to repair the damage caused by the violence.[50]

The demands of these women include:

Programs for mental health

Generally, the post conflict stage is characterized by a sensation of insecurity. During the conflict, the roles have been change and the legitimacy has been destroyed. It's necessary the creation and implementation of programs of mental health, for the civil population as well as for the combatants. Specific attention should be provided to children, because the imminent damaged caused by the conflict usually traumatized them and the effects could be change into hate, contributing in this way to continue a cycle of violence.[51]

Training

It should include human rights education, values and the development of a culture of peace as well as self-esteem workshops.

Even though the violence against women did not start due to the armed conflict, the conflict per-se exacerbated this problem as well as the alcoholism. For these reasons, the demands also include workshops in this regard.

Creation of spaces of dialogue, to know and recognize the Truth

According to the Survey for the Peace[52], women manifested that there is a huge difference between the official truth and the historical truth. This is an expectation of women as well as the access to justice and reparation. They also manifested their hope this situation will be never more repeated.[53]

[50] PAR MINDES. Censo Por la Paz. 2002.

[51] Weusaetg Lars, *Psychiatric Problems in War.* In, War violence, Trauma and the Coping Process. Op. cit. Pp. 31.

[52] PAR MINDES. *Censo por la Paz.* Lima, 2002.

[53] PAR MINDES *Censo por la Paz. Lima 2002.*

Access to justice and compensations

This claim goes further than the possible sanctions and reparations. They asked justice to a system that have historically discriminated the rural and peasant world and segregated them in the economical, social and political areas. [54] In this sense, the demands ask for an active participation of the State in regards of their individual and collective rights within their communities as social assistance, improvement of community structures, support for education, educational structures and citizenship security.

Is it possible to talk about women's empowerment in this case?

The term empowerment had been used for different actors through the diverse theories of development and has been adequate to several interpretations. In the 90 s it has been applied by organizations which wanted to increase the level of women election and productivity, meanwhile during the 70, the same concept was developed for the third world feminist to facilitate the fight for social justice and transformation of social economy and political structure at national and international levels.

According to Antrobus (1989) empowerment is a process that allow a women without power to develop autonomy, determination, self confidence as well as for a group of women and men, a sense of collective influence en relation to local oppressive conditions. She argues that as soon as women start understanding the oppression for gender, they organized themselves to change the ways the different institutions sanction them and treated them as second class citizens.[55]

Can we talk about the existence of women's empowerment in this case?

In part. In spite of the negative impact of the armed conflict. It also allows the creation of spaces that provided

[54] Henríquez N. *Mujer, Violencia y Derechos Humanos.* Op. Cit. Pp. 11.

[55] Bisnath Savitri, Elson Diane, *Women's Empowerment Revisited.* Progress of the World's Women. UNIFEM. Background Paper. Pp. 2.

opportunities to women in order to develop their autonomies. Many of them assumed the familiar representation. And with this, the right of opinion and the decision process within their families and communities. As individual and as collective groups, mothers club, kitchen clubs, communities assembles. Therefore, it is important that States policies and programs designated to women should be directed to enhance their participation and decision making process within and outside their communities. As the report of the Security Council in regards of women, peace and security requires the participation of women and girls in the integration of gender perspectives in all the processes of reconstruction to assure the creation of sustainable societies.[56]

"La paz es posible con una organización buena, sólida. Tenemos que fortalecer nuestras organizaciones para enfrentar los problemas de trabajo, de paz, de justicia y nuestros derechos. La buena organización a nivel comunal, distrital y provincial, departamental y nacional. Organizarnos pero con responsabilidad ciudadana para trabajar y llevar la utilidad a nuestras familiar y esto poner en practica. Organizase y participar en las reuniones comunales, multisectoriales. Hacer autodefensa, velar por la tranquilidad y desarrollo de los campesinos. Organizarse bien en las bases. Organizar mesas de concertación a nivel e las autoridades. Organizarnos con conciencia y responsabilidad par cumplir nuestras funciones".

Mujeres de Ayacucho.

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[56] UN Security Council Report. S/2002/1154.

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Women and Armed Conflict in Colombia

Patricia Tovar

Introduction:

In order to see the dynamics of the conflict in terms of gender it is necessary to keep in mind the effects of generations of political violence in the country, and the consequences it has had form men and women as armed participants, as part of the civil population, and as direct victims. The symbolic representations of what it means to be male or female, and the additional implications of being part of a discriminated ethnic group are elements that need to taken into consideration. In all acts of violence there is a definition of who is the enemy and the social relations between the aggressor and the victim.

Background to the Colombian case:

Colombia has had several episodes of unrest during the Twentieth Century. A brutal civil war, still remembered by many, known as La Violencia, was the main event in the decades of the forties and fifties. This was fueled by rivalries between the only two legal parties, and it was related to redistribution of land for coffe crops. Many peasants were left landless and their alternatives were to move into the city´s shanty towns or go in search of more land cutting down the forests, and invading the ancestral territories of the indigenous groups. In the 50s and 60s several guerrilla groups arose on the peasantry side, helping them retake the land that now belonged to elite landowners. In turn, the landowners created paramilitary groups as their private armies to defend themselves. In the past, the guerrillas had the support of communists countries but when that financial support dried up after the end of the Cold War they started looking for other means of support. First they found sources of revenue in the kidnapping industry, and later in the drug trade.

In the seventies Colombia entered the world drug trade, changing not only the way conflicts were resolved but the economy, and the politics of the whole country. It is estimated that 90% of the cocaine reaching the United States originates in Colombia, most of it from the Amazonian region[57]. Illegal crops started first with

[57] White House Office of National Drug Control Policy

marihuana in the northern coast later switching to coca in southern areas, and more recently to poppy. A new social class of drug lords emerged, they arrived with their own armies to protect themselves from kidnappings by left wing guerrillas, to protect their territories and their traffic routes, and to take their enemies out of the way. This has brought widespread corruption, assassinations, bombings, massacres, fear, and impunity.

Both the paramilitars, the guerrillas, and even some corrupt army members seem to be profiting for the drug trade which appears to be increasing with a different profile, despite the crushing of major drug cartels in the 90s. Given the steady demand for cocaine and heroine in the United States and Europe, and the huge profits made from their trade, plans to eradicate drug production in Colombia do not seem very optimistic. This means that more forests will be cut down deeper into the already fragile environment, and that violence will continue to escalate. The alliances between drug dealers and paramilitars or guerrillas have turned deadly, and there is now constant fighting over control of the coca trade.

Eradication efforts are thwarted by the rebels and by peasant protests against the spraying policy, and unfulfilled government promises of sponsoring crop-substitution (Ramírez 2002). Many poor, unemployed, and landless farmers have completely switched to coca cultivation and processing in rustic labs where leaves are turned into coca paste. They come from other areas of the country and entire families, including women and children work as "raspachines" or coca harvesters.[58] Those who have managed to have land complain that the ground is ruined with chemicals used by the government to erradicate coca production, and that the impact to the environment is very serious. Spraying destroys coca crops but also devastates food crops, and natural forests. It is also important to keep in mind the fact that coca leaves are still an important component of the religious and medical systems of the indigenous groups of the area.

The problem of violence in Colombia, an everyday event, has been studied from different perspectives (Uribe 1991, Gonzáles

[58] For a complete description of the way coca leaves are processed and transformed into cocaine in home made labs, see Ramírez 2002.

1992, Pecaut 1987). However, a gender perspective is rarely incorporated in those studies (2000). There are four main armed groups with widely different interests in control of different areas of the country: The FARC, Revolutionary Armed Forces of Colombia, and the ELN, National Liberation Army are left wing. Paramilitar groups such as the AUC, United Self-defenses of Colombia, and the National Army. Until recently, the FARC had control of a vast area in the Amazon region, the size of Switzerland, known as the *Distension Zone,* which was a "demilitarized" enclave. This meant that the army had no entrance there, because peace negotiations were taking place. After a number of incidents involving the guerrilla, such as the kidnapping and murder of Consuelo Araujo, former Minister of Culture, the hijacking of a small commercial aircraft, and the continuation of the "miraculous fishing" as it is called the action of stopping vehicles and grabbing their occupants as hostages, the already frail peace process ended a few months before the end of the four year term of President Pastrana (1998-2002)[59]. After that the ceasefire declared previously ended, and the violence has increased with more virulence during the presidential campaign.

In August 2000, President Bill Clinton released a $1.3 billion emergency aid package known as *"Plan Colombia."* While the U.S. Congress approved the measure, there were two main concerns. One was about increasing U.S. military involvement in the country´s battle against drugs, and guerrillas, and the other was about a waiver signed on the human rights conditions and justice programs. Most of the aid will go toward operations to counter drugs which means more military and police equipment including attack helicopters and other lethal weapons. The Bush administration is pressing Congress to allow American trained soldiers and equipment to be used directly against the guerrilla. This raises fears that war in Colombia will become Vietnam-style.

The most controversial part of the Aid Package is called "Push into Southern Colombia", a campaign that will send troops into the coca growing regions controlled by FARC, combined with an aerial herbicide spraying program. As the war escalates more people will flee into the already overburdened cities or will join a left wing

[59] His four year period ended August 2002.

insurgent group or a paramilitary army. The production of coca leaves will be moved out deep into the Amazon agricultural frontier. The inhabitants of the region will be left with no alternatives because the program is weak in terms of rural development programs. There is not enough money for humanitarian programs or to deal with the growing number of displaced persons.

It has been only recently that the law took a clear stance by approving in 1991 a new Constitution giving minorities visibility and presence in the local and national political structures. This has resulted in new ways of democratic participation, land claims, and access to government resources (Jackson 1998). In the case of the indigenous groups, many had the support of international groups and NGOs seeking to protect the environment. They are undergoing a process of re-dignification and the claim of a historical debt. It is estimated that about 350 communities are seeking legal recognition as ethnic groups in a plural society with the benefits determined by law.[60]

Some of the benefits offered by the new Constitution include no obligation to be in the army, access to scholarships and free health benefits, and the possibility to obtain land and special cash resources from the government. Since 1994 there have been 13 important mobilizations and collective actions. According to the, National Organization of Colombian Indigenous Ethnic Groups (ONIC), they are struggling for the conformation of Indigenous territorial entities, and the bettering of their general life conditions. In the ranks of Colombian society, Indians are located among the poorest, most subjugated and marginalized people. Some find themselves in the middle of violent conflict between different actors and as a result have to abandon their homes, lands, and animals.

Women and Armed Conflict

Armed conflict needs to be seen with a gender perspective because it does not affect women and men in the same way. In Colombia, the leading cause of death for men between the ages of 15 and 44 is homicide (Medicina Legal 1998). The impact of violence in the family group is reflected in the striking increase in

[60] El Espectador, Miércoles 28 de Marzo de 2001. "Proliferación de Indígenas."

the number of women widowed, most of them less than forty years old, and with young children under their care. In addition to being victims of abuse in their own homes, women are also victims of politically motivated violence, and human rights violations including rape, forced abortions, torture, and extrajudicial executions. The majority of victims of violence are of peasant origin. Many are community leaders, judges, teachers, and human rights activists. Women are victims of the conflict when they are politically active in grass roots or human rights organizations, or are in movements for an end to the civil conflict, when their husbands are involved, or because they live in conflict areas, and are accused of being supporters of the enemy group. When they are active in politics they run the risk of being kidnapped and tortured. In the case of massacres, the tendency is to round up the men only, but sometimes the whole family is killed (Ilsa 2001).

I have been studying the effects of war on Colombian women for the past three years. In particular, what happens when they lose their husbands[61]. I have interviewed women from the following main groups: Ex-combatants, displaced persons, police, army, political leaders, and the disappeared. All are survivors in different ways. They have a variety of regional, ethnic and class backgrounds. I have visited displaced settlements in many cities of the country, women´s organizations, government institutions in charge of providing attention, religious groups and NGO´s, seeing first hand the huge movement of people affected by war. I have seen the wretched conditions in which many live, but I have also heard stories of resilience and courage. The life histories and narratives of loss from more than 50 women show that all have several things in common, despite the different political orientations of their husbands. One, is the pain and sorrow that comes after an untimely death, and another is the anguish of having to face life in poverty.

In terms of violations to the human rights of women and girls the situation is worrisome. According to statistics cited by a Ilsa[62], an

[61] "Memories of Violence: Widows and War Orphans in Colombia". Instituto Colombiano de Antropología e Historia, funded by Colciencias. Patricia Tovar, Principal Investigator.

[62] Instituto Latinoamericano de Servicios Alternativos, Ilsa.

NGO (2001). Everyday dies a woman as a result of the sociopolitical violence. In 1996, 38 women had been kidnapped, and in 1999 the number increased 300%. Patterns of displacement tend to be individual and scattered, although there are events of massive displacements after massacres. It is estimated that there are around two million people displaced, about 60% are women, many of them widows. If we add the girls, the number increases to 74%, with a variety of geographical and ethnic origins (Ilsa 2001). Rural women who are used to a self subsistence economy lose their social identity and have more difficulty adapting to new situations. For men, displacement means unemployment and the end of their traditional role as providers. For both women and men, displacement means a number of family conflicts that did not exist before because of the lack of food, employment, and inadequate housing. An additional problem is that they do not have identity cards, and other documents proving that they own land or animals, and often they are illiterate or with very little education. With no documents, it will be impossible to obtain help from the government, or priority in getting attention. With no representatives of the state they have to rush to bury their dead themselves, and so they do not have death certificates.

When we talk about women and war, the word rape always comes to mind. Sometimes women are retained temporarily by the armed actors, who abuse them sexually and exploit their labor. This means an increase in sexually transmitted diseases including AIDS, and unwanted pregnancies. In addition they are forced to do female work like cooking, washing clothes, and cleaning, without pay. Women who are loyal and devoted to their husbands or family run the risk of receiving additional punishments. Most of the sexual atrocities and abuses against women remain invisible because they are ashamed to talk about the subject, and even if they denounce this crimes they will remain in the impunity. There is a huge population in need of psychological attention, not to mention immediate health problems.

In the areas controlled by the armed groups women are restrained from moving freely inside or outside of the area. Women who are leaders or community organizers receive constant threats

and other psychological violence that some times materialize in assassinations. Constant fear and terror have the effect to deteriorate social processes and spaces such as women´s empowerment. These processes have taken many years to consolidate, and when they are destroyed it is very difficult to recover them. Police and army men have an additional problem. They are moved constantly from one extreme of the country to another, and often they start new relationships in each place. Sometimes the women do not know, until their men die, of the existence of other women and children from the same father. The survivors of policemen have many conflicts, specially between the widow and mother in law because of benefits and insurance policies.

Women´s organizations and social movement there are aiming at improving living conditions, or the development of agricultural sustainability and recovery of traditional agricultural systems. In some communities (Rivas 1993), women got together with the purpose to raise money to send their children to boarding school, to send the sick out to get medical treatment in urban centers, to send people to attend training events, and have created a cooperative. Their efforts have proven fruitful and they have obtained a national prize, and important donations.

Women as armed actors

Women are also active in armed groups. The majority, however, are combatants in the rebel groups. The paramilitars have some women, but usually they are employed as spies, or in other support roles. There are also sizable numbers of women in the police and army forces, but generally they are not active in combat posts. Some of the rebel groups have negotiated with the government and have obtained amnesties, and many of the people who were detained were suddenly free. One case is the M-19, a group that was dissolved after years of armed struggle against the government. Many of their former members were later assassinated. Others managed to enter into formal politics, and one woman who used to be in the higher ranks of the movement was running in the elections for vice-president of the country.

Many women who have been members of the guerrillas have been detained. During the eighties, torture, even rape, was common

place in the state detention centers. Some gave birth and raised their children there, or were forced to give them to relatives or friends. Years later when they were free and wanted to recover them, they found themselves with the additional pain that they could not claim their children, or they did not want to live with them. Many minors are part of the guerrilla, some are forcibly taken from their parents, others are given away by their own parents, and some others run away from hunger and maltreatment and join them. Girls have denounced that they have been forced to have abortions, which are also illegal in Colombia, because they can not be pregnant and be in combat (Ilsa 2001).

Colombian children already have a legacy of loss that has been transmitted through generations. This will be reflected in the kind of friends they will have, the professions they will choose, the mates they will select, and the kinds of mothers and fathers they will become. The insecurity and the void left by unexpected tragedies or by their witnessing and participation in war events, and the reigning impunity only help to multiply the emotional burdens that they have to carry all their lives long. Terrorism and violence leave profound scars. People have to live with fear, rage, guilt of being alive, and feelings of revenge, and the country is not ready to come to terms with that.

Violence has been a constant in the lives of women even in times of peace. The Amazon region, where most of the coca is processed presents the highest rate of incidence of spouse abuse. Statistics show a steady increase in this problem since 1996. (Medicina Legal 1998). Many of the women interviewed spoke about violence as a daily event in their own homes, as children, and as wives.

Building a future

Coca production and processing has increased violence not only in the region but in the whole country, which in turn has disrupted families in many ways. At the same time the country has seen little social investments[63]. The women are going away to cities in search of a better life leaving their children behind and the

[63] Margarita Cháves, Personal Communication.

number of fathers with an absent spouse is growing, and they do not have other traditional alternative caretakers ready to give support. Women find work as household workers or in the informal economy, they can not take their children with them, so they go alone, save the money and send it to their families.

War destroys kinship and local support networks. Because of need and a gender identity that undermines their abilities to take care of themselves and their children alone, women enter very fast into new relationships (Tovar 2000). Their experiences of sexual abuse and the lack of other alternatives forces many of them into prostitution. The grim situation of women, and the specific problems related to their gender condition show the urgency to create and provide humanitarian, health and psycho-social programs were reproductive health should be a priority.

Even though women are not invited to peace talks, and are not taken into consideration when central or local governments make decisions that affect them directly, women are organizing themselves and presenting proposals for peaceful resolutions of conflicts. Berta Ospina (2001) is an elected community leader, participant in several peasant strikes, and in the collective actions against the International Red Cross for their inability to deal with the problems of displaced people in a timely manner, proposes some alternative ways to solve the problem in her region:

1. Not to allow sprayings of herbicides. They destroy the environment, the food crops, and are an additional factor of hunger and destruction of the indigenous communities who live in the area. The eradication of coca must be done manually with the implantation of real alternatives.
2. To keep national sovereignity without the interference of the United States or multinational corporations.
3. Indigenous communities and their territories must be respected, as well as their basic human rights.
4. A tight relationship between the state and the communities for social investments.

Postscript

The new president of Colombia is Alvaro Uribe, who is an ultraconservative, with the slogan, "firm hand, big heart." He is from a rich family of landowners and horse breeders apparently with close ties to drug lords, and with illegal right wing paramilitary groups, and members of the army under investigation for rights abuses. His own father was kidnapped and killed by the rebels. He is pledging to stop violence by becoming "the first soldier of Colombia" in a crusade against rebels and promising to double the size of the Army´s combat force, and to organize and arm villagers to serve as informants. His proposed program has worried human rights groups who believe that his firm hand will actually increase violence, and because he is also proposing to cut the number of Congress people and to take other measures that will affect democracy.

As President Uribe was sworn in, the Presidential Palace was attacked with rockets. More than twenty people, many of them women and children living in a nearby shanty town were killed. People live in a constant state of panic and fear. For survivors of war, specially for women, the future is uncertain. We are at a moment in which it is difficult to foresee the effects of the end of the Peace Process, and the dialogues, or how long the conflict will continue. At this moment, and with the change of government people in general will like to see a better country. Confidence is low, and the recession, the unemployment rate, and the general economy are not helping to build hope.

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